



Iowa General Assembly
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House File 61 - Introduced

HOUSE FILE 61
BY M. SMITH

A BILL FOR

1 An Act providing for ongoing absentee voter status.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1357YH (3) 85
aw/sc



Iowa General Assembly
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H.F. 61

1 Section 1. **NEW SECTION. 53.4 Ongoing absentee voter.**
2 A registered voter applying for an absentee ballot under
3 section 53.2 may request to receive an absentee ballot for all
4 subsequent elections, for each subsequent general election,
5 for each subsequent presidential election, for each subsequent
6 school election, or for each subsequent city election in
7 which that person is eligible to vote and qualifies under
8 section 53.1. The state commissioner shall provide check
9 boxes on the prescribed form for this purpose. For those
10 subsequent elections for which the voter has requested ongoing
11 absentee status, the county commissioner of elections shall
12 automatically mail an absentee ballot to the requesting voter,
13 or automatically deliver an absentee ballot if the requester
14 is a resident or patient of a health care facility or hospital
15 pursuant to section 53.22. A voter's status as an ongoing
16 absentee voter shall be terminated upon the request of the
17 voter or by the county commissioner if the voter fails to
18 qualify under section 53.1. A voter may request to make
19 changes to any request submitted pursuant to this section.

20 **EXPLANATION**

21 This bill allows an absentee voter to receive absentee
22 ballots for all subsequent elections or for general elections,
23 presidential elections, school elections, or city elections
24 without having to reapply before each election. A person's
25 status as an ongoing absentee voter can be terminated by that
26 person or by the county commissioner of elections if the person
27 fails to qualify as an absentee voter. A voter may request to
28 make changes to any previously submitted request.



Iowa General Assembly
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House File 62 - Introduced

HOUSE FILE 62
BY M. SMITH

A BILL FOR

1 An Act relating to delivery of absentee ballots to veterans who
2 are residents or patients of certain health care facilities
3 and hospitals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1236HH (6) 85
aw/sc



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H.F. 62

1 Section 1. Section 53.2, subsection 2, Code 2013, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Absentee ballot applications shall
4 include the following questions in substantially the following
5 form:

6 RESIDENT OR PATIENT IN A HEALTH CARE FACILITY OR HOSPITAL

7 1. Are you a resident or patient in a health care facility
8 or hospital?

9 ☐ Yes

10 ☐ No

11 2. Are you a military veteran?

12 ☐ Yes

13 ☐ No

14 3. If you answered "yes" to both questions, how would you
15 like your absentee ballot delivered?

16 ☐ I request delivery and assistance from two special precinct
17 election officers.

18 ☐ I request delivery by mail.

19 Sec. 2. Section 53.8, subsection 3, paragraph b, Code 2013,
20 is amended to read as follows:

21 *b.* (1) If the application is received more than five days
22 before the ballots are printed and the commissioner has elected
23 to have the ballots personally delivered during the ten-day
24 period after the ballots are printed, the commissioner shall
25 mail to the applicant, if the applicant has not requested that
26 the absentee ballot be delivered by mail pursuant to section
27 53.22, subsection 1, paragraph "a", subparagraph (1A), within
28 twenty-four hours a letter in substantially the following form:

29 Your application for an absentee ballot for the election
30 to be held on has been received. This ballot will
31 be personally delivered to you by a bipartisan team sometime
32 during the ten days after the ballots are printed. If you will
33 not be at the address from which your application was sent
34 during any or all of the ten-day period immediately following
35 the printing of the ballots, the ballot will be personally

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1 delivered to you sometime during the fourteen days preceding
2 the election. If you will not be at the address from which
3 your application was sent during either of these time periods,
4 contact this office and arrangements will be made to have your
5 absentee ballot delivered at a time when you will be present at
6 that address.

7 (2) If the application is received more than fourteen
8 calendar days before the election and the commissioner has not
9 elected to mail absentee ballots to applicants as provided
10 under section 53.22, subsection 3, and has not elected to have
11 the absentee ballots personally delivered during the ten-day
12 period after the ballots are printed, the commissioner shall
13 mail to the applicant, if the applicant has not requested that
14 the absentee ballot be delivered by mail pursuant to section
15 53.22, subsection 1, paragraph "a", subparagraph (1A), within
16 twenty-four hours a letter in substantially the following form:

17 Your application for an absentee ballot for the election
18 to be held on has been received. This ballot will
19 be personally delivered to you by a bipartisan team sometime
20 during the fourteen days preceding the election. If you will
21 not be at the address from which your application was sent
22 during any or all of the fourteen-day period immediately
23 preceding the election, contact this office and arrangements
24 will be made to have your absentee ballot delivered at a time
25 when you will be present at that address.

26 Sec. 3. Section 53.22, subsection 1, paragraph a, Code 2013,
27 is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (1A) (a) Notwithstanding subparagraph
29 (1) and subsection 3, the commissioner shall, if the applicant
30 so requests and if the applicant is a veteran as defined in
31 section 35.1, have the absentee ballot delivered by mail and
32 the commissioner shall proceed under section 53.8, subsections
33 1 and 2.

34 (b) The department of veterans affairs shall assist the
35 commissioner by providing eligibility determinations and other

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1 assistance requested by the commissioner.

2 EXPLANATION

3 Under current law, a resident or patient of a health care
4 facility or hospital who makes application for an absentee
5 ballot is, in most circumstances, delivered the ballot by
6 two special precinct election officials appointed by the
7 county commissioner of elections. This bill requires that
8 form applications for an absentee ballot include certain
9 questions related to whether the applicant is a resident
10 or patient in a health care facility or hospital, military
11 veteran status, and the applicant's preferred method of ballot
12 delivery if the applicant is such a resident or patient and is
13 a military veteran. The bill provides that, upon receipt of an
14 application for an absentee ballot by a resident of a health
15 care facility or hospital who is also a military veteran, the
16 commissioner shall have the absentee ballot delivered by mail
17 if the applicant so requests. The bill requires the department
18 of veterans affairs to assist the county commissioners of
19 elections by providing eligibility determinations and other
20 assistance requested by the county commissioners.

21 Finally, the bill makes corresponding changes related to
22 certain letter notifications sent by the commissioner to an
23 applicant who is a resident of a hospital or health care
24 facility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 63 - Introduced

HOUSE FILE 63
BY M. SMITH

A BILL FOR

1 An Act relating to delivery of absentee ballots to certain
2 health care facilities and hospitals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1235HH (6) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 63

1 Section 1. Section 53.2, subsection 2, Code 2013, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Absentee ballot applications shall
4 include the following questions in substantially the following
5 form:

6 RESIDENT OR PATIENT IN A HEALTH CARE FACILITY OR HOSPITAL

7 1. Are you a resident or patient in a health care facility
8 or hospital?

9 ☐ Yes

10 ☐ No

11 2. If yes, how would you like your absentee ballot
12 delivered?

13 ☐ I request delivery and assistance from two special precinct
14 election officers.

15 ☐ I request delivery by mail.

16 Sec. 2. Section 53.8, subsection 3, paragraph b, Code 2013,
17 is amended to read as follows:

18 *b.* (1) If the application is received more than five days
19 before the ballots are printed and the commissioner has elected
20 to have the ballots personally delivered during the ten-day
21 period after the ballots are printed, the commissioner shall
22 mail to the applicant, if the applicant has not requested that
23 the absentee ballot be delivered by mail pursuant to section
24 53.22, subsection 1, paragraph "a", subparagraph (1A), within
25 twenty-four hours a letter in substantially the following form:

26 Your application for an absentee ballot for the election
27 to be held on has been received. This ballot will
28 be personally delivered to you by a bipartisan team sometime
29 during the ten days after the ballots are printed. If you will
30 not be at the address from which your application was sent
31 during any or all of the ten-day period immediately following
32 the printing of the ballots, the ballot will be personally
33 delivered to you sometime during the fourteen days preceding
34 the election. If you will not be at the address from which
35 your application was sent during either of these time periods,

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1 contact this office and arrangements will be made to have your
2 absentee ballot delivered at a time when you will be present at
3 that address.

4 (2) If the application is received more than fourteen
5 calendar days before the election and the commissioner has not
6 elected to mail absentee ballots to applicants as provided
7 under section 53.22, subsection 3, and has not elected to have
8 the absentee ballots personally delivered during the ten-day
9 period after the ballots are printed, the commissioner shall
10 mail to the applicant, if the applicant has not requested that
11 the absentee ballot be delivered by mail pursuant to section
12 53.22, subsection 1, paragraph "a", subparagraph (1A), within
13 twenty-four hours a letter in substantially the following form:

14 Your application for an absentee ballot for the election
15 to be held on has been received. This ballot will
16 be personally delivered to you by a bipartisan team sometime
17 during the fourteen days preceding the election. If you will
18 not be at the address from which your application was sent
19 during any or all of the fourteen-day period immediately
20 preceding the election, contact this office and arrangements
21 will be made to have your absentee ballot delivered at a time
22 when you will be present at that address.

23 Sec. 3. Section 53.22, subsection 1, paragraph a, Code 2013,
24 is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (1A) Notwithstanding subparagraph (1)
26 and subsection 3, the commissioner shall, if the applicant so
27 requests, have the absentee ballot delivered by mail and the
28 commissioner shall proceed under section 53.8, subsections 1
29 and 2.

30 EXPLANATION

31 Under current law, a resident or patient of a health care
32 facility or hospital who makes application for an absentee
33 ballot is, in most circumstances, delivered the ballot by two
34 special precinct election officials appointed by the county
35 commissioner of elections. This bill requires that form

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H.F. 63

1 applications for an absentee ballot include certain questions
2 related to whether the applicant is a resident or patient
3 in a health care facility or hospital and the applicant's
4 preferred method of ballot delivery if the applicant is such a
5 resident or patient. The bill provides that, upon receipt of
6 an application for an absentee ballot by a resident of a health
7 care facility or hospital, the commissioner shall have the
8 absentee ballot delivered by mail if the applicant so requests.
9 The bill makes corresponding changes related to certain letter
10 notifications sent by the commissioner to an applicant who is a
11 resident of a hospital or health care facility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 64 - Introduced

HOUSE FILE 64
BY M. SMITH

A BILL FOR

1 An Act relating to voting by persons in certain health care
2 facilities and hospitals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1237HH (3) 85
aw/sc



Iowa General Assembly
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H.F. 64

1 Section 1. Section 53.22, subsection 1, paragraph a,
2 subparagraph (1), Code 2013, is amended to read as follows:
3 (1) A registered voter who has applied for an absentee
4 ballot, in a manner other than that prescribed by section
5 53.10 or 53.11, and who is a resident or patient in a health
6 care facility or hospital ~~located in the county to which~~
7 ~~the application has been submitted~~ shall be delivered the
8 appropriate absentee ballot by two special precinct election
9 officers, ~~one of whom~~ appointed by the commissioner of the
10 county where the voter is registered to vote. One special
11 precinct election officer shall be a member of each of the
12 political parties referred to in section 49.13, who shall be
13 appointed by the commissioner from the election board panel
14 for the special precinct established by section 53.20. The
15 special precinct election officers shall be sworn in the manner
16 provided by section 49.75 for election board members, shall
17 receive compensation as provided in section 49.20, and shall
18 perform their duties during the ten calendar days after the
19 ballots are printed if the commissioner so elects, during the
20 fourteen calendar days preceding the election, and on election
21 day if all ballots requested under section 53.8, subsection 3,
22 have not previously been delivered and returned.
23 Sec. 2. Section 53.22, subsection 2, Code 2013, is amended
24 to read as follows:
25 2. Any registered voter who becomes a patient or resident
26 of a hospital or health care facility ~~in the county where~~
27 ~~the voter is registered to vote~~ within three days prior to
28 the date of any election or on election day may request an
29 absentee ballot during that period or on election day. As an
30 alternative to the application procedure prescribed by section
31 53.2, the registered voter may make the request directly to
32 the officers who are delivering and returning absentee ballots
33 under this section. Alternatively, the request may be made
34 by telephone to the office of the commissioner of the county
35 where the voter is registered to vote not later than four hours

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1 before the close of the polls. If the requester is found to be
2 a registered voter ~~of that county~~, these officers shall deliver
3 the appropriate absentee ballot to the registered voter in the
4 manner prescribed by this section.

5 Sec. 3. Section 53.22, subsections 4 and 5, Code 2013, are
6 amended by striking the subsections.

7 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
8 3, shall not apply to this Act.

9 EXPLANATION

10 This bill relates to voting by persons in certain health
11 care facilities and hospitals. Current law provides different
12 requirements for absentee voting by a person who is a resident
13 or patient of a health care facility or hospital in the county
14 in which the person is registered to vote and for absentee
15 voting by a person who is a resident or patient of a health
16 care facility or hospital in a county other than the county in
17 which the person is registered to vote. Current law requires
18 that two appointed special precinct election officers deliver
19 a requested absentee ballot to a person who is a resident or
20 patient of a health care facility or hospital in the county
21 where the person is registered to vote. Current law also
22 requires that the county commissioner of elections mail a
23 requested absentee ballot to a person who is a resident or
24 patient of a health care facility or hospital not located in
25 the county where the person is registered to vote. If a person
26 becomes a resident or patient of a health care facility or
27 hospital that is not located in the county where the person is
28 registered to vote within three days before an election or on
29 election day, the person may designate a person to deliver and
30 return an absentee ballot.

31 The bill requires that two special precinct election
32 officers appointed by the commissioner of the county where
33 the person is registered to vote deliver a requested absentee
34 ballot to a person who is a resident or patient of a health
35 care facility or hospital regardless of whether the health

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1 care facility or hospital is located in the county in which
2 the voter is registered to vote and regardless of when
3 the person becomes a resident of the facility or hospital.
4 Correspondingly, the bill strikes the requirement that the
5 commissioner mail the ballot if the voter is a resident of
6 a health care facility or hospital not located in the county
7 where the person is registered to vote.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill makes inapplicable Code section 25B.2,
10 subsection 3, which would relieve a political subdivision from
11 complying with a state mandate if funding for the cost of
12 the state mandate is not provided or specified. Therefore,
13 political subdivisions are required to comply with any state
14 mandate included in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 24, 2013

House File 65 - Introduced

HOUSE FILE 65
BY GRASSLEY

A BILL FOR

1 An Act relating to the implementation of federal statute,
2 regulation, or policy by state administrative agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1642YH (1) 85
jr/rj

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 65

1 Section 1. NEW SECTION. 17A.24 Rule implementation of
2 federal statute, regulation, or policy.

3 1. Except as otherwise explicitly authorized by state law,
4 an agency charged with the implementation of a federal statute,
5 regulation, or policy shall not implement the federal statute,
6 regulation, or policy in a manner that exceeds the specific
7 requirements of the federal statute, regulation, or policy.

8 2. Any portion of an agency rule or policy that implements
9 a federal statute, regulation, or policy and that exceeds the
10 specific requirements of the federal statute, regulation, or
11 policy is automatically superceded by the specific requirements
12 of that federal statute, regulation, or policy.

13 EXPLANATION

14 This bill provides that state implementation of a federal
15 statute, regulation, or policy by a state agency shall not
16 exceed the specific requirements of the federal statute,
17 regulation, or policy, except as specifically allowed by state
18 law. Any portion of a state rule or policy that implements a
19 federal statute, regulation, or policy and that exceeds the
20 specific requirements of the federal statute, regulation, or
21 policy is automatically superceded by the specific requirements
22 of that federal statute, regulation, or policy.



Iowa General Assembly
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House File 66 - Introduced

HOUSE FILE 66

BY WATTS, PETTENGILL,
SCHULTZ, FRY, ALONS,
L. MILLER, WINDSCHITL,
LANDON, SHEETS, BACON,
HEARTSILL, SODERBERG, SHAW,
HIGHFILL, KOESTER, HESS, R.
TAYLOR, HAGENOW, HUSEMAN,
DOLECHECK, KLEIN, FISHER,
SALMON, VANDER LINDEN,
ROGERS, HANUSA, and
BRANDENBURG

A BILL FOR

1 An Act to prohibit the state and all political subdivisions
2 from supporting or participating in any action relating to
3 the United Nations Agenda 21 proposal to impose sustainable
4 development principles and practices on state and local
5 governments.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1046YH (5) 85
jr/rj



Iowa General Assembly
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H.F. 66

1 Section 1. UNITED NATIONS AGENDA 21 — PROHIBITION ON
2 IMPLEMENTATION.

3 1. The state and all political subdivisions shall not
4 enact or adopt any statute, ordinance, rule, or statement of
5 policy implementing any policy recommendations originating
6 in, or based upon "Agenda 21", adopted by the United Nations
7 in 1992; or any other international law or ancillary plan
8 of action which would infringe or restrict private property
9 rights without also providing due process of law and fair
10 compensation, as required by the Constitution of the United
11 States or the Constitution of the State of Iowa.

12 2. The state and all political subdivisions shall not enter
13 into any agreement, expend any moneys, or receive moneys for
14 contracting services, or provide or receive financial aid to or
15 from those nongovernmental and intergovernmental organizations
16 as defined in Agenda 21.

17 3. As used in this section, "political subdivision"
18 includes but is not limited to a county, city, township, school
19 corporation, area education agency, community college, and
20 joint public agency-private agency entity created under chapter
21 28E.

22 EXPLANATION

23 "Agenda 21" is an international environmental action plan
24 of the United Nations relating to sustainable development.
25 This bill prohibits the state of Iowa or any of its political
26 subdivisions from implementing or financially supporting the
27 implementation of Agenda 21 if that implementation would
28 infringe or restrict private property rights without also
29 providing due process of law.

30 The bill defines political subdivisions to include counties,
31 cities, townships, school corporations, area education
32 agencies, community colleges, and certain public-private
33 partnerships.

LSB 1046YH (5) 85

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jr/rj

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Iowa General Assembly
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House File 67 - Introduced

HOUSE FILE 67
BY WOLFE and R. OLSON

A BILL FOR

1 An Act relating to elimination of the authorization for a court
2 to order the payment of a postsecondary education subsidy in
3 dissolution of marriage proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1584HH (2) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 24, 2013

H.F. 67

1 Section 1. Section 252D.16, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. *"Support" or "support payments"* means any amount which
4 the court or administrative agency may require a person to pay
5 for the benefit of a child under a temporary order or a final
6 judgment or decree entered under chapter 232, 234, 252A, 252C,
7 252F, 252H, 598, 600B, or any other comparable chapter, and may
8 include child support, maintenance, medical support as defined
9 in chapter 252E, spousal support, and any other term used to
10 describe these obligations. These obligations may include
11 support for a child of any age who is dependent on the parties
12 to the dissolution proceedings because of physical or mental
13 disability. The obligations may include support for a child
14 eighteen or more years of age with respect to whom a child
15 support order has been issued pursuant to the laws of a foreign
16 jurisdiction. ~~These obligations shall not include amounts for~~
17 ~~a postsecondary education subsidy as defined in section 598.1.~~
18 Sec. 2. Section 598.1, subsection 8, Code 2013, is amended
19 by striking the subsection.
20 Sec. 3. Section 598.20, Code 2013, is amended to read as
21 follows:
22 **598.20 Forfeiture of marital rights.**
23 When a dissolution of marriage is decreed the parties
24 shall forfeit all rights acquired by marriage which are not
25 specifically preserved in the decree. This provision shall
26 not obviate any of the provisions of section 598.21, 598.21A,
27 598.21B, 598.21C, 598.21D, or 598.21E, ~~or 598.21F.~~
28 Sec. 4. Section 598.22, subsection 5, Code 2013, is amended
29 to read as follows:
30 5. Prompt payment of sums required to be paid under sections
31 598.10, 598.21A, 598.21B, 598.21C, and 598.21E, ~~and 598.21F~~ is
32 the essence of such orders or judgments and the court may act
33 pursuant to section 598.23 regardless of whether the amounts in
34 default are paid prior to the contempt hearing.
35 Sec. 5. Section 600.11, subsection 2, paragraph a,

LSB 1584HH (2) 85
pf/nh

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H.F. 67

1 subparagraph (6), Code 2013, is amended to read as follows:

2 (6) A person who is ordered to pay support ~~or a~~
3 ~~postsecondary education subsidy~~ pursuant to ~~section 598.21F, or~~
4 chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter
5 of the Code, for a person eighteen years of age or older who is
6 being adopted by a stepparent, and the support order or order
7 requires payment of support ~~or postsecondary education subsidy~~
8 for any period of time after the child reaches eighteen years
9 of age.

10 Sec. 6. REPEAL. Section 598.21F, Code 2013, is repealed.

11 EXPLANATION

12 This bill repeals provisions authorizing the court to order
13 payment of a postsecondary education subsidy. A postsecondary
14 education subsidy is an amount which either of the parties to a
15 dissolution may be required to pay for educational expenses of
16 a child who is between the ages of 18 and 22 years of age if the
17 child is regularly attending a course of vocational-technical
18 training; is, in good faith, a full-time student in a college,
19 university, or community college; or has been accepted for
20 admission to a college, university, or community college.



Iowa General Assembly
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January 24, 2013

House File 68 - Introduced

HOUSE FILE 68

BY J. SMITH and HESS

(COMPANION TO SF 10 BY JOHNSON)

A BILL FOR

1 An Act extending a provision relating to the use of certain
2 increases in watercraft registration fees by the natural
3 resource commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1459HH (1) 85
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 24, 2013

H.F. 68

1 Section 1. Section 462A.52, subsections 2 and 3, Code 2013,
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, any increase in revenues
4 received on or after July 1, 2007, but on or before June
5 30, ~~2013~~ 2023, pursuant to this section as a result of fee
6 increases pursuant to 2005 Iowa Acts, ch. 137, shall be used
7 by the commission only for the administration and enforcement
8 of programs to control aquatic invasive species and for the
9 administration and enforcement of navigation laws and water
10 safety upon the inland waters of this state and shall be used
11 in addition to funds already being expended by the commission
12 each year for these purposes. The commission shall not reduce
13 the amount of other funds being expended on an annual basis for
14 these purposes as of July 1, 2005, during the period of the
15 appropriation provided for in this subsection.

16 3. The commission shall submit a written report to the
17 general assembly by December 31, 2007, and by December 31
18 of each year thereafter through December 31, ~~2013~~ 2023,
19 summarizing the activities of the department in administering
20 and enforcing programs to control aquatic invasive species
21 and administering and enforcing navigation laws and water
22 safety upon the inland waters of the state. The report shall
23 include information concerning the amount of revenues collected
24 pursuant to this section as a result of fee increases pursuant
25 to 2005 Iowa Acts, ch. 137, and how the revenues were expended.
26 The report shall also include information concerning the amount
27 and source of all other funds expended by the commission during
28 the year for the purposes of administering and enforcing
29 programs to control aquatic invasive species and administering
30 and enforcing navigation laws and water safety upon the inland
31 waters of the state and how the funds were expended.

32 EXPLANATION

33 This bill extends the designation of certain increases
34 in registration fees for watercraft for use by the natural
35 resource commission for an additional 10 years.

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1 In 2005, registration fees for watercraft were raised, and
2 the increase in revenues received on or after July 1, 2007,
3 but on or before June 30, 2013, was designated for use by the
4 natural resource commission only for the administration and
5 enforcement of programs to control aquatic invasive species and
6 for the administration and enforcement of navigation laws and
7 water safety upon the inland waters of this state. These funds
8 were to be used in addition to funds already being expended by
9 the commission each year for those purposes and the commission
10 was prohibited from reducing the amount of other funds being
11 expended for those purposes as of July 1, 2005. The commission
12 was also required to submit an annual report to the general
13 assembly each year summarizing the activities of the department
14 of natural resources in carrying out those purposes.
15 The bill provides that this provision will sunset in 2023
16 instead of 2013.



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House Resolution 4 - Introduced

HOUSE RESOLUTION NO. 4

BY MURPHY

1 A Resolution urging Congress to protect Medicare in the
2 upcoming budget debates.

3 WHEREAS, just as America has pulled back from the
4 fiscal cliff, another crisis looms — the debate over
5 the future of Medicare; and

6 WHEREAS, 95 percent of America's senior citizens —
7 almost 37 million in 2008 — get their health coverage
8 through Medicare; and

9 WHEREAS, many proposed changes to the Medicare
10 system would reduce or delay benefits, alter the
11 structure of this critical program, or force our
12 seniors to bear a disproportionate portion of the
13 deficit reduction burden; and

14 WHEREAS, some plans would go so far as to replace
15 Medicare with a voucher system; NOW THEREFORE,

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
17 the House of Representatives respectfully requests that
18 Iowa's congressional delegation work to prevent any
19 cuts in the Medicare program; and

20 BE IT FURTHER RESOLVED, That the Chief Clerk of the
21 House of Representatives shall distribute copies of
22 this resolution to the members of Iowa's congressional
23 delegation.

LSB 1097HH (5) 85

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House Study Bill 47 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act relating to the transfer of assets under the Medicaid
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1170XD (3) 85
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1 Section 1. Section 249F.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. *a. "Fair consideration"* means full
4 and adequate consideration which is, under all circumstances,
5 equivalent to the value of the property transferred and which
6 is honest, reasonable, and free of suspicion. A determination
7 of fair consideration is separate and distinct from and
8 independent and exclusive of any prior value determination
9 relating to the medical assistance application or ongoing
10 medical assistance participation of the transferor.

11 *b.* For the purposes of determining fair consideration
12 in transfers of a life estate or remainder interests, the
13 determination shall be made in accordance with rules adopted
14 by the department of human services pursuant to chapter 17A.
15 The rules shall specify the computation to be utilized in such
16 determination, which shall be based on the program operations
17 manual system life estate table published by the United
18 States social security administration, and shall not include
19 subjective considerations such as the health and personal
20 circumstances of the life estate holder.

21 Sec. 2. Section 249F.1, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 *a. "Transfer of assets"* means any transfer or assignment
24 of a legal or equitable interest in property, as defined in
25 section 702.14, from a transferor to a transferee for less
26 than fair consideration, made within five years prior to the
27 application for medical assistance by the transferor, while
28 the transferor is receiving medical assistance, or within
29 five years prior to application for medical assistance by
30 the transferor after the transferor is no longer receiving
31 medical assistance but has an existing medical assistance
32 debt. Any such transfer or assignment is presumed to be made
33 with the intent, on the part of the transferee; transferor;
34 or another person acting on behalf of a transferor who is an
35 actual or implied agent, guardian, attorney-in-fact, or person

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1 acting as a fiduciary, of enabling the transferor to obtain or
2 maintain eligibility for medical assistance or of impacting
3 the recovery or payment of a medical assistance debt. This
4 presumption is rebuttable only by clear and convincing evidence
5 that the transferor's eligibility or potential eligibility for
6 medical assistance or the impact on the recovery or payment
7 of a medical assistance debt was no part of the reason of
8 the transferee; transferor; or other person acting on behalf
9 of a transferor who is an actual or implied agent, guardian,
10 attorney-in-fact, or person acting as a fiduciary for making
11 or accepting the transfer or assignment. A transfer of assets
12 includes a transfer of an interest in the transferor's home,
13 domicile, or land appertaining to such home or domicile
14 while the transferor is receiving medical assistance, unless
15 otherwise exempt under paragraph "b".

16 Sec. 3. Section 249F.1, subsection 2, paragraph b,
17 subparagraph (5), Code 2013, is amended by striking the
18 subparagraph.

19 Sec. 4. Section 249F.2, Code 2013, is amended to read as
20 follows:

21 **249F.2 Creation of debt.**

22 A transfer of assets creates a debt due and owing to the
23 department of human services from the transferee in an amount
24 equal to medical assistance provided to or on behalf of the
25 transferor, on or after the date of the transfer of assets, but
26 not exceeding the fair ~~market value of~~ consideration of the
27 assets at the time of the transfer.

28 **EXPLANATION**

29 This bill relates to transfers of assets under the medical
30 assistance (Medicaid) program.

31 The bill defines "fair consideration" for the purposes of
32 determining whether an asset was transferred for less than the
33 fair consideration amount.

34 The bill amends the definition of "transfer of asset" to
35 include a transfer made after the transferor is no longer



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1 receiving Medicaid, but has an existing Medicaid debt.
2 The bill eliminates, as an exception to the definition
3 of a "transfer of asset", transfers of less than \$2,000 on
4 an aggregated basis during the five-year period prior to
5 application for medical assistance by the transferor.



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House Study Bill 48 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the licensure of ambulatory surgical
2 centers, providing fees and penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1638YC (2) 85
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1 Section 1. NEW SECTION. 135P.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Ambulatory surgical center*" means a distinct facility
5 that operates exclusively for the purpose of providing surgical
6 services to patients not requiring hospitalization and in which
7 the expected duration of services does not exceed twenty-four
8 hours following an admission. "*Ambulatory surgical center*" does
9 not include individual or group practice offices of private
10 physicians, podiatrists, or dentists that do not contain a
11 distinct area used for outpatient surgical treatment on a
12 regular basis, or that only provide surgery routinely provided
13 in a physician's, podiatrist's, or dentist's office using local
14 anesthesia or conscious sedation; or a portion of a licensed
15 hospital designated for outpatient surgical treatment.

16 2. "*Department*" means the department of inspections and
17 appeals.

18 Sec. 2. NEW SECTION. 135P.2 Purpose.

19 The purpose of this chapter is to protect the public
20 health, safety, and welfare by providing for the licensing and
21 regulation of ambulatory surgical centers.

22 Sec. 3. NEW SECTION. 135P.3 Licensure.

23 A person, acting severally or jointly with any other person,
24 shall not establish, operate, or maintain an ambulatory
25 surgical center in this state without obtaining a license as
26 provided under this chapter.

27 Sec. 4. NEW SECTION. 135P.4 Application for license — fee.

28 1. An applicant for an ambulatory surgical center license
29 shall submit an application to the department. Applications
30 shall be upon such forms and shall include such information
31 as the department may reasonably require, which may include
32 affirmative evidence of ability to comply with reasonable rules
33 and standards prescribed under this chapter.

34 2. a. An application for an initial license for
35 an ambulatory surgical center that is in existence and



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1 Medicare-certified prior to July 1, 2014, shall be accompanied
2 by a fee of fifty dollars.

3 **b.** An application for an initial license for an ambulatory
4 surgical center established on or after July 1, 2014, shall
5 be accompanied by a fee sufficient to cover the costs of
6 performing the inspection required in section 135P.8 in an
7 amount as provided in rules adopted by the department.

8 Sec. 5. NEW SECTION. **135P.5 Issuance and renewal of**
9 **license.**

10 1. Upon receipt of an application for license and the
11 license fee, the department shall issue a license if the
12 applicant and the ambulatory surgical center meet the
13 requirements of this chapter and the rules adopted by the
14 department.

15 2. A license shall be issued only for the premises and
16 persons named in the application.

17 3. A license is not transferable or assignable except with
18 the written approval of the department.

19 4. A license shall be posted in a conspicuous place on the
20 licensed premises as prescribed by rule of the department.

21 5. Separate licenses are not required for ambulatory
22 surgical center facilities that are maintained on the same
23 physical site and that have the same ownership or control.
24 Multiple buildings located on the same physical site under the
25 same ownership or control shall be considered one ambulatory
26 surgical center facility for purposes of this chapter and
27 section 135.61, subsection 21, and may operate under one
28 license.

29 6. A license, unless sooner suspended or revoked, shall
30 expire on December 31 of each year and shall be renewed
31 annually. The department shall renew a license upon payment of
32 a five hundred dollar annual license renewal fee and filing of
33 an application for renewal at least thirty days prior to the
34 expiration of the existing license. The annual licensure fee
35 shall be dedicated to support the staffing necessary to conduct

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1 the inspections and investigations provided in section 135P.8.

2 Sec. 6. NEW SECTION. 135P.6 Denial, suspension, or
3 revocation of license — hearings and review.

4 1. The department may deny, suspend, or revoke a license in
5 any case where it finds there has been a substantial failure
6 to comply with this chapter or the rules and standards adopted
7 under this chapter.

8 2. The denial, suspension, or revocation of a license by
9 the department and appeal from that action are governed by the
10 procedures for a contested case hearing under chapter 17A.

11 3. a. If the department finds, after providing notice of
12 noncompliance and a reasonable time for corrective action, that
13 an ambulatory surgical center is in repeated noncompliance with
14 this chapter or the department's rules but that noncompliance
15 does not endanger public health or safety, the department may
16 issue a conditional license to the ambulatory surgical center
17 as an alternative to suspending or revoking the ambulatory
18 surgical center's license.

19 b. The department shall provide notice of its intent to
20 issue a conditional license to the ambulatory surgical center
21 and of the items of noncompliance not less than ten days before
22 the date the conditional license is issued.

23 c. The department shall designate a period of not more
24 than one year during which the ambulatory surgical center may
25 operate under a conditional license.

26 d. During the period an ambulatory surgical center is
27 operating under a conditional license, the ambulatory surgical
28 center shall correct the items that are in noncompliance and
29 report the corrections to the department for approval.

30 4. The department may suspend or revoke the license of an
31 ambulatory surgical center that does not correct items that
32 are in noncompliance or that does not comply with this chapter
33 or the rules adopted under this chapter within the applicable
34 period.

35 5. The department may issue an emergency order to suspend

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1 a license issued under this chapter if the department has
2 reasonable cause to believe that the conduct of the ambulatory
3 surgical center creates an immediate danger to the public
4 health and safety. An emergency suspension is effective
5 immediately without a hearing or notice to the licensee. On
6 written request of the licensee, the department shall conduct
7 a hearing not earlier than the tenth day or later than the
8 thirtieth day after the date the hearing request is received
9 to determine if the emergency suspension is to be continued,
10 modified, or rescinded. The hearing and any appeal are
11 governed by the department's rules for a contested case hearing
12 and chapter 17A.

13 Sec. 7. NEW SECTION. 135P.7 Rules.

14 1. The department, with the advice and approval of the state
15 board of health, shall adopt rules specifying the standards for
16 ambulatory surgical centers to be licensed under this chapter.
17 The rules shall be consistent with and shall not exceed the
18 requirements of this chapter and the conditions for coverage in
19 the federal Medicare program for ambulatory surgical centers
20 under 42 C.F.R. pt. 416.

21 2. The department shall adopt rules as the department deems
22 necessary to implement the provisions of this chapter relating
23 to the issuance, renewal, denial, suspension, and revocation
24 of a license to establish, operate, and maintain an ambulatory
25 surgical center.

26 3. An ambulatory surgical center which is in operation at
27 the time of adoption of any applicable rules or standards under
28 this chapter shall be given a reasonable time, not to exceed
29 one year from the date of adoption, within which to comply with
30 such rules and standards.

31 4. The department shall enforce the rules.

32 Sec. 8. NEW SECTION. 135P.8 Inspections.

33 1. The department shall make or cause to be made inspections
34 or investigations of ambulatory surgical centers to determine
35 compliance with this chapter and applicable rules and

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1 standards. The department shall perform inspections on a
2 schedule that is of the same frequency required for inspections
3 of Medicare-certified ambulatory surgical centers.

4 2. The department shall recognize, in lieu of its own
5 licensure inspection, the comparable inspection and inspection
6 findings of a Medicare conditions for coverage survey.

7 3. A department inspector shall not participate in an
8 inspection or investigation of an ambulatory surgical center in
9 which the inspector or a member of the inspector's immediate
10 family works or has worked within the last two years or in
11 which the inspector or the inspector's immediate family has
12 a financial ownership interest. For the purposes of this
13 section, "*immediate family member*" means a spouse, natural or
14 adoptive parent or grandparent, child, grandchild, sibling,
15 stepparent, stepchild, or stepsibling.

16 Sec. 9. NEW SECTION. 135P.9 **Employee background checks.**

17 1. An ambulatory surgical center shall comply with child and
18 dependent adult abuse information and criminal record checks
19 and evaluations in the same manner as provided in section
20 135B.34, except that the authorization of an exemption under
21 section 135B.34, subsection 4, paragraph "b", from requirements
22 for reevaluation of the latest record checks by the department
23 of human services relative to a person being considered for
24 employment in an ambulatory surgical center is subject to all
25 of the following provisions:

26 a. The position with the ambulatory surgical center is
27 substantially the same or has the same job responsibilities as
28 the position for which the previous evaluation was performed.

29 b. Any restrictions placed on the person's employment in the
30 previous evaluation by the department of human services shall
31 remain applicable in the person's employment in the ambulatory
32 surgical center.

33 c. The person subject to the record checks has maintained
34 a copy of the previous evaluation and provides the evaluation
35 to the ambulatory surgical center or the previous employer



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1 provides the previous evaluation from the person's personnel
2 file pursuant to the person's authorization. If a physical
3 copy of the previous evaluation is not provided to the
4 ambulatory surgical center, the record checks shall be
5 reevaluated.

6 d. Although an exemption may be authorized, the ambulatory
7 surgical center may instead request a reevaluation of the
8 record checks and may employ the person while the reevaluation
9 is being performed.

10 2. An ambulatory surgical center licensed in this state
11 may access the single contact repository established by the
12 department pursuant to section 135C.33 as necessary for the
13 ambulatory surgical center to perform record checks of persons
14 employed or being considered for employment by the ambulatory
15 surgical center.

16 Sec. 10. NEW SECTION. 135P.10 Confidentiality.

17 The department's final findings or the final survey findings
18 of an accrediting body with respect to compliance by an
19 ambulatory surgical center with requirements for licensing
20 or accreditation shall be made available to the public in a
21 readily available form and place. Other information relating
22 to an ambulatory surgical center obtained by the department
23 which does not constitute the department's findings from an
24 inspection of the ambulatory surgical center or the final
25 survey findings of the accrediting body shall not be made
26 available to the public, except in proceedings involving the
27 denial, suspension, or revocation of a license under this
28 chapter. The name of a person who files a complaint with the
29 department shall remain confidential and shall not be subject
30 to discovery, subpoena, or other means of legal compulsion for
31 its release to a person other than department employees or
32 agents involved in the investigation of the complaint.

33 Sec. 11. NEW SECTION. 135P.11 Injunction.

34 Notwithstanding the existence or pursuit of any other
35 remedy, the department may, in the manner provided by law,



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1 maintain an action in the name of the state for injunction
2 or other process against any person to restrain or prevent
3 the establishment, operation, or maintenance of an ambulatory
4 surgical center without a license.

5 Sec. 12. NEW SECTION. 135P.12 **Judicial review.**

6 Judicial review of an action of the department may be sought
7 in accordance with chapter 17A. Notwithstanding the provisions
8 of chapter 17A, petitions for judicial review may be filed
9 in the district court of the county in which the ambulatory
10 surgical center is located or is to be located and the status
11 quo of the petitioner or licensee shall be preserved pending
12 final disposition of the judicial review matter.

13 Sec. 13. NEW SECTION. 135P.13 **Penalties.**

14 Any person establishing, operating, or maintaining any
15 ambulatory surgical center without a license commits a serious
16 misdemeanor, and each day of continuing violation after
17 conviction shall be considered a separate offense.

18 Sec. 14. Section 135.11, Code 2013, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 32. Adopt rules requiring ambulatory
21 surgical centers to report quality data to the department of
22 public health that is consistent with the data required to be
23 reported to the centers for Medicare and Medicaid services
24 of the United States department of health and human services
25 as authorized by the Medicare Improvements and Extension Act
26 of 2006 under Title I of the Tax Relief and Health Care Act
27 of 2006, Pub. L. No. 109-432, and the regulations adopted
28 under such Acts. Notwithstanding any provision of law to
29 the contrary, nothing in this subsection shall require an
30 ambulatory surgical center to provide health data to the
31 department of public health or any other public or private
32 entity that is in addition to, different than, or exceeds
33 the quality data required to be reported to the centers for
34 Medicare and Medicaid services of the United States department
35 of health and human services.



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1 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,
2 2014.

3 EXPLANATION

4 This bill creates a new Code chapter to provide for the
5 licensing and regulation of ambulatory surgical centers.

6 The bill defines "ambulatory surgical center" as a distinct
7 facility that operates exclusively for the purpose of providing
8 surgical services to patients not requiring hospitalization
9 and in which the expected duration of services does not
10 exceed 24 hours following an admission. "Ambulatory surgical
11 center" does not include individual or group practice offices
12 of private physicians, podiatrists, or dentists that do not
13 contain a distinct area used for outpatient surgical treatment
14 on a regular basis, or that only provide surgery routinely
15 provided in a physician's, podiatrist's, or dentist's office
16 using local anesthesia or conscious sedation; or a portion of a
17 licensed hospital designated for outpatient surgical treatment.
18 The department of inspections and appeals is designated to
19 enforce the regulations.

20 The bill provides that the purpose of the new Code chapter is
21 to protect the public health, safety, and welfare by providing
22 for the licensing and regulation of ambulatory surgical
23 centers. The bill prohibits the establishment, operation,
24 or maintenance of an ambulatory surgical center in the state
25 without obtaining a license.

26 The bill provides the process for application for licensure.
27 An application for an initial license for an ambulatory
28 surgical center that is in existence and Medicare-certified
29 prior to July 1, 2014, is required to be accompanied by a fee of
30 \$50. An application for an initial license for an ambulatory
31 surgical center established on or after July 1, 2014, is
32 required to be accompanied by a fee sufficient to cover the
33 costs of performing the required inspection in an amount
34 provided in rules adopted by the department.

35 The bill provides for the issuance and renewal of licenses.



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1 A license is to be issued only for the premises and persons
2 named in the application; is not transferable or assignable
3 except with the written approval of the department; and is
4 required to be posted in a conspicuous place on the licensed
5 premises as prescribed by rule of the department. The bill
6 provides that separate licenses are not required for ambulatory
7 surgical center facilities that are maintained on the same
8 physical site and that have the same ownership or control.
9 Multiple buildings located on the same physical site under the
10 same ownership or control shall be considered one ambulatory
11 surgical center facility for purposes of the new Code chapter
12 and Code chapter 135, division VI, relating to the health
13 facilities council and certificate of need provisions, and are
14 to be permitted to operate under one license. Licenses expire
15 on December 31 of each year and are required to be renewed
16 annually. The bill directs the department to renew a license
17 upon payment of a \$500 annual license renewal fee and filing
18 of an application for renewal at least 30 days prior to the
19 expiration of the existing license. The annual licensure fee
20 is to be dedicated to support the staffing necessary to conduct
21 the inspections and investigations under the Code chapter.
22 The bill provides for denial, suspension, or revocation of
23 licenses. A license may be denied, suspended, or revoked if
24 the department finds there has been a substantial failure to
25 comply with the Code chapter or the rules and standards adopted
26 under the Code chapter. The denial, suspension, or revocation
27 of a license by the department and appeal from that action are
28 governed by the procedures for a contested case hearing under
29 Code chapter 17A. The bill authorizes the department, after
30 providing notice of noncompliance and a reasonable time for
31 corrective action, and if the noncompliance does not endanger
32 public health or safety, to issue a conditional license to the
33 ambulatory surgical center as an alternative to suspending or
34 revoking its license.
35 The bill also authorizes the department to issue an



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1 emergency order to suspend a license if the department has
2 reasonable cause to believe that the conduct of the ambulatory
3 surgical center creates an immediate danger to the public
4 health or safety. On written request of the licensee, the
5 department is required to conduct a hearing to determine if
6 the emergency suspension is to be continued, modified, or
7 rescinded. The hearing and any appeal are governed by the
8 department's rules for a contested case hearing and Code
9 chapter 17A.

10 The bill directs the department to adopt rules with the
11 advice and approval of the state board of health to specify
12 the standards for ambulatory surgical centers. The rules are
13 required to be consistent with and not exceed the requirements
14 of the Code chapter and the conditions for coverage in the
15 federal Medicare program for ambulatory surgical centers.
16 The department is also directed to adopt rules relating to
17 provisions of the Code chapter relating to the issuance,
18 renewal, denial, suspension, and revocation of a license to
19 establish, operate, and maintain an ambulatory surgical center.
20 If an ambulatory surgical center is in operation at the time of
21 adoption of any applicable rules or standards, the center is
22 to be given a reasonable time, not to exceed one year from the
23 date of adoption, within which to comply with such rules and
24 standards.

25 The bill provides for inspections or investigations of
26 ambulatory surgical centers, and directs that the department
27 shall perform inspections on a schedule that is of the same
28 frequency required for inspections of Medicare-certified
29 ambulatory surgical centers. The bill also requires the
30 department to recognize, in lieu of its own licensure
31 inspection, the comparable inspection and inspection findings
32 of a Medicare conditions for coverage survey.

33 The bill prohibits a department inspector from participating
34 in an inspection or investigation of an ambulatory surgical
35 center in which the inspector or a member of the inspector's



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1 immediate family works or has worked within the last two years
2 or in which the inspector or the inspector's immediate family
3 has a financial ownership interest.

4 The bill requires an ambulatory surgical center to comply
5 with child and dependent adult abuse information and criminal
6 record checks and evaluations in the same manner as provided
7 for hospitals, but specifically provides that the authorization
8 of an exemption from a reevaluation of the person's criminal
9 or abuse record prior to commencing employment is subject to
10 specific provisions. The bill also authorizes an ambulatory
11 surgical center to access the single contact repository
12 established by the department as necessary for the ambulatory
13 surgical center to perform record checks of persons employed
14 or being considered for employment by the ambulatory surgical
15 center.

16 The bill provides confidentiality provisions relating to
17 ambulatory surgical center information. The final findings or
18 the final survey findings of an accrediting body with respect
19 to compliance by an ambulatory surgical center are to be
20 made available to the public in a readily available form and
21 place. Other information relating to an ambulatory surgical
22 center shall not be made available to the public, except in
23 proceedings involving the denial, suspension, or revocation of
24 a license. The name of a person who files a complaint with
25 the department is required to remain confidential and not
26 be subject to discovery, subpoena, or other means of legal
27 compulsion.

28 The bill provides for injunctive relief and judicial review.

29 The bill provides that any person establishing, operating,
30 or maintaining an ambulatory surgical center without a license
31 commits a serious misdemeanor, and each day of continuing
32 violation after conviction shall be considered a separate
33 offense. A serious misdemeanor is punishable by confinement
34 for no more than one year and a fine of at least \$315 but not
35 more than \$1,875.

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1 The bill also directs the department of public health
2 to adopt rules requiring ambulatory surgical centers to
3 report quality data to the department of public health that
4 is consistent with the data required to be reported to the
5 centers for Medicare and Medicaid services of the United States
6 department of health and human services. However, the rules
7 are not to require an ambulatory surgical center to provide
8 health data to the department of public health or any other
9 public or private entity that is in addition to, different
10 than, or exceeds the quality data required to be reported to
11 the centers for Medicare and Medicaid services of the United
12 States department of health and human services.
13 The bill takes effect July 1, 2014.



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House Study Bill 49 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act establishing a child endangerment offense for the mother
2 of a newborn child who caused an illegal drug to be present
3 in the newborn child's body, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 726.6, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *i.* By act or omission a newborn child's
4 mother caused an illegal drug to be present in the newborn
5 child's body and the drug's presence is a direct and
6 foreseeable consequence of the act or omission. Unless the
7 presence of the illegal drug caused death or serious injury
8 to the newborn child, the drug's presence shall be considered
9 to have caused bodily injury to the newborn child. For the
10 purposes of this paragraph, "*newborn child*" means an infant who
11 is three days of age or younger.

12 Sec. 2. Section 726.6, subsection 6, Code 2013, is amended
13 to read as follows:

14 6. A person who commits child endangerment resulting in
15 bodily injury to a child or minor or child endangerment in
16 violation of subsection 1, paragraph "*g*" or "*i*", that does not
17 result in a serious injury, is guilty of a class "D" felony.

18 EXPLANATION

19 This bill provides a new child endangerment offense under
20 Code section 726.6. The new offense applies to an act or
21 omission by the child's mother that caused an illegal drug
22 to be present in the body of a newborn child as a direct and
23 foreseeable consequence of the act or omission. The term
24 "newborn child" is defined to mean an infant who is three days
25 of age or younger. Unless the presence of the illegal drug
26 caused death or serious injury to the newborn child, the drug's
27 presence is considered to have caused bodily injury to the
28 child. A child endangerment offense that causes bodily injury
29 to a child is punishable as a class "D" felony.

LSB 1665YC (1) 85

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jp/nh

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House Study Bill 50 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/UTILITIES DIVISION
BILL)

A BILL FOR

1 An Act increasing civil penalties applicable to specified
2 pipeline safety violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1099XD (3) 85
rn/sc



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S.F. _____ H.F. _____

1 Section 1. Section 479.31, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:

3 A person who violates this chapter or any rule or order
4 issued pursuant to this chapter shall be subject to a civil
5 penalty levied by the board not to exceed ~~ten~~ one hundred
6 thousand dollars for each violation. Each day that the
7 violation continues shall constitute a separate offense.
8 However, the maximum civil penalty shall not exceed ~~five~~
9 ~~hundred thousand~~ one million dollars for any related series of
10 violations. Civil penalties collected pursuant to this section
11 shall be credited to and are appropriated for the Iowa energy
12 center created in section 266.39C.

13 EXPLANATION

14 This bill increases civil penalties applicable to violations
15 of Code chapter 479, relating to pipelines and underground
16 gas storage. Currently, violations of the Code chapter, or
17 an administrative rule or order relating to the Code chapter,
18 are subject to a civil penalty levied by the Iowa utilities
19 board not to exceed \$10,000 per violation, subject to a
20 \$500,000 maximum. The bill increases these limits to \$100,000
21 and \$1 million, respectively. Civil penalties collected for
22 violations of the Code chapter are credited to and appropriated
23 for the Iowa energy center created in Code section 266.39C.



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House Study Bill 51 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act requiring a person convicted of or receiving a deferred
2 judgment for an aggravated misdemeanor to submit a DNA
3 sample and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1176DP (2) 85
jm/rj



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S.F. _____ H.F. _____

1 Section 1. Section 81.2, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. A person who receives a deferred judgment for a felony or
4 aggravated misdemeanor or against whom a judgment or conviction
5 for a felony or aggravated misdemeanor has been entered shall
6 be required to submit a DNA sample for DNA profiling pursuant
7 to section 81.4.

8 Sec. 2. Section 81.10, subsection 1, Code 2013, is amended
9 to read as follows:

10 1. A defendant who has been convicted of a felony or
11 aggravated misdemeanor and who has not been required to submit
12 a DNA sample for DNA profiling may make a motion to the court
13 for an order to require that DNA analysis be performed on
14 evidence collected in the case for which the person stands
15 convicted.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2014.

19 EXPLANATION

20 Current law provides that a person who is convicted of or
21 who receives a deferred judgment for an offense classified as a
22 felony shall submit a DNA sample for DNA profiling.

23 This bill requires a person convicted of or who receives
24 a deferred judgment for an offense that is classified as
25 an aggravated misdemeanor to submit a DNA sample for DNA
26 profiling.

27 The bill allows a defendant convicted of an aggravated
28 misdemeanor and who has not been required to submit a DNA
29 sample to move the court to order DNA profiling of evidence
30 collected in the defendant's case.

31 The bill may include a state mandate as defined in Code
32 section 25B.3. The bill makes inapplicable Code section 25B.2,
33 subsection 3, which would relieve a political subdivision from
34 complying with a state mandate if funding for the cost of
35 the state mandate is not provided or specified. Therefore,

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1 political subdivisions are required to comply with any state
2 mandate included in the bill.
3 The bill takes effect July 1, 2014.



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House Study Bill 52 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to the controlled substance of marijuana,
2 providing a penalty, and including an effective date
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1308DP (3) 85
jm/nh



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S.F. _____ H.F. _____

1 Section 1. Section 124.204, subsection 4, paragraph m, Code
2 2013, is amended to read as follows:

3 ~~m. Marijuana, except as otherwise provided by rules of the~~
4 ~~board for medicinal purposes.~~

5 Sec. 2. Section 124.204, subsection 4, paragraph u,
6 unnumbered paragraph 1, Code 2013, is amended to read as
7 follows:

8 ~~Tetrahydrocannabinols, except as otherwise provided~~
9 ~~by rules of the board for medicinal purposes,~~ meaning
10 tetrahydrocannabinols naturally contained in a plant of
11 the genus Cannabis (Cannabis plant) as well as synthetic
12 equivalents of the substances contained in the Cannabis plant,
13 or in the resinous extractives of such plant, and synthetic
14 substances, derivatives, and their isomers with similar
15 chemical structure and pharmacological activity to those
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2013, is amended
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2013, is amended
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted
22 or unless listed in another schedule, any material, compound,
23 mixture, or preparation which contains any quantity of the
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~
26 ~~rules of the board.~~

27 ~~b. Nabilone~~ nabilone [another name for
28 nabilone: (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-
29 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

30 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and
35 tetrahydrocannabinols are classified as schedule I controlled

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jm/nh

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1 substances. The bill eliminates a provision classifying
2 marijuana used for medicinal purposes, pursuant to rules of the
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board
5 to establish rules relating to the medicinal use of marijuana
6 including tetrahydrocannabinols naturally contained in a
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive
9 substance that has no accepted medical use in the United States
10 and a schedule II controlled substance is a highly addictive
11 substance that has an accepted medical use in the United
12 States.

13 The penalties for possessing, manufacturing, delivering,
14 or possessing with intent to deliver marijuana including
15 tetrahydrocannabinols range from a serious misdemeanor to a
16 50-year class "B" felony depending on the amount of marijuana
17 or tetrahydrocannabinols involved in the offense.

18 A serious misdemeanor is punishable by confinement for no
19 more than one year and a fine of at least \$315 but not more than
20 \$1,875. An aggravated misdemeanor is punishable by confinement
21 for no more than two years and a fine of at least \$625 but
22 not more than \$6,250. A class "D" felony is punishable by
23 confinement for no more than five years and a fine of at
24 least \$750 but not more than \$7,500. A class "C" felony is
25 punishable by confinement for no more than 10 years and a fine
26 of at least \$1,000 but not more than \$10,000. A class "B"
27 felony is normally punishable by confinement for no more than
28 25 years. A 50-year class "B" felony or sometimes referred to
29 as a "super B" felony is punishable by confinement for no more
30 than 50 years.

31 The bill takes effect upon enactment.



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House Study Bill 53 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court for the purpose of securing an arrest
3 warrant.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1259DP (3) 85
rh/nh



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S.F. _____ H.F. _____

1 Section 1. Section 804.29, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A peace officer, or any other employee of a law
4 enforcement agency if authorized in writing by the head of the
5 agency.

6 EXPLANATION

7 This bill relates to the confidentiality of information
8 filed with the court for the purpose of securing an arrest
9 warrant.

10 Current law provides that, unless otherwise ordered by the
11 court, all information filed with the court for the purpose of
12 securing a warrant for an arrest, including but not limited to
13 a citation and affidavits, is a confidential record until a
14 peace officer has made the arrest and has returned the warrant,
15 or the defendant has made an initial appearance in court.
16 During the period of time such information is confidential, the
17 record is sealed by the court and the information contained
18 in the record cannot be disseminated to any person unless
19 otherwise ordered by the court. However, during the period of
20 confidentiality, a peace officer, an employee of the county
21 attorney's office, a judicial officer or other court employee,
22 or an employee of the department of corrections or judicial
23 district department of correctional services, if authorized
24 by the director of the department of corrections, may receive
25 such confidential information without a court order during the
26 course of such person's official duties. The bill additionally
27 authorizes an employee of a law enforcement agency, if
28 authorized in writing by the head of the agency, to receive
29 such confidential information without a court order during the
30 course of the employee's official duties.



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House Study Bill 54 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the possession of certain products with
2 the intent to use the products to manufacture a controlled
3 substance, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1305DP (2) 85
jm/nh



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S.F. _____ H.F. _____

1 Section 1. Section 124.401, subsection 4, Code 2013, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. o. Sodium hydroxide.

4 NEW PARAGRAPH. p. Ammonia nitrate.

5 NEW PARAGRAPH. q. Ammonia sulfate.

6 NEW PARAGRAPH. r. White gas.

7 EXPLANATION

8 This bill relates to the possession of certain products with
9 the intent to use the products to manufacture a controlled
10 substance, and makes penalties applicable.

11 The bill makes sodium hydroxide, ammonia nitrate, ammonia
12 sulfate, and white gas illegal to possess if the person
13 possesses such products with the intent to manufacture a
14 controlled substance.

15 If a person possesses sodium hydroxide, ammonia nitrate,
16 ammonia sulfate, or white gas with the intent to manufacture a
17 controlled substance, the person commits a class "D" felony.

18 A class "D" felony is punishable by confinement for no more
19 than five years and a fine of at least \$750 but not more than
20 \$7,500.



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House Study Bill 55 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to the excise tax on unlawful dealing in
2 certain substances by adding new taxable substances and tax
3 rates, modifying the taxation and rates of currently taxable
4 substances, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1209DP (2) 85
mm/sc



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S.F. _____ H.F. _____

1 Section 1. Section 453B.1, subsection 3, paragraph a, Code
2 2013, is amended by adding the following new subparagraphs:

3 NEW SUBPARAGRAPH. (5) One or more grams of an imitation
4 controlled substance or a controlled substance listed in
5 section 124.204, subsection 4, paragraph "ai", or subsection 6,
6 paragraph "i".

7 NEW SUBPARAGRAPH. (6) One or more dosage units of an
8 imitation controlled substance or a controlled substance listed
9 in section 124.204, subsection 4, paragraph "ai", or subsection
10 6, paragraph "i", which is not sold by weight.

11 Sec. 2. Section 453B.1, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 6A. "*Imitation controlled substance*" means
14 the same as defined in section 124A.2.

15 Sec. 3. Section 453B.1, subsection 10, Code 2013, is amended
16 to read as follows:

17 10. "*Taxable substance*" means a controlled substance, a
18 counterfeit substance, a simulated controlled substance, an
19 imitation controlled substance, or marijuana, or a mixture of
20 materials that contains a controlled substance, counterfeit
21 substance, simulated controlled substance, imitation controlled
22 substance, or marijuana.

23 Sec. 4. Section 453B.4, Code 2013, is amended to read as
24 follows:

25 **453B.4 Measurements.**

26 For purposes of measurements under this chapter, the
27 weight of a taxable substance shall be measured by its weight
28 in metric grams in the dealer's possession. If a taxable
29 substance consists of a mixture containing both marijuana and
30 another substance or combination of substances listed in the
31 definition of taxable substance in section 453B.1, the taxable
32 substance shall be taxed under section 453B.7, subsection 2,
33 unless the mixture contains a taxable substance listed in
34 section 453B.1, subsection 3, paragraph "a", subparagraph
35 (5), in which case the taxable substance shall be taxed under

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1 section 453B.7, subsection 5.

2 Sec. 5. Section 453B.7, Code 2013, is amended to read as
3 follows:

4 **453B.7 Tax imposed — rate of tax.**

5 An excise tax is imposed on dealers at the following rates:

6 1. On each gram of processed marijuana, or each portion of a
7 gram, five ~~eight~~ dollars.

8 2. On each gram or portion of a gram of any taxable
9 substance sold by weight other than marijuana, ~~two hundred~~
10 ~~fifty~~ an imitation controlled substance, or a controlled
11 substance listed in section 124.204, subsection 4, paragraph
12 "ai", or subsection 6, paragraph "i", four hundred dollars.

13 3. On each unprocessed marijuana plant, ~~seven hundred fifty~~
14 one thousand two hundred dollars.

15 4. On each ten dosage units of any taxable substance, other
16 than unprocessed marijuana plants, an imitation controlled
17 substance, or a controlled substance listed in section 124.204,
18 subsection 4, paragraph "ai", or subsection 6, paragraph "i",
19 that is not sold by weight, or portion thereof, ~~four~~ six
20 hundred forty dollars.

21 5. On each gram or portion of a gram of an imitation
22 controlled substance, or a controlled substance listed in
23 section 124.204, subsection 4, paragraph "ai", or subsection 6,
24 paragraph "i", that is sold by weight, one thousand two hundred
25 dollars.

26 6. On each dosage unit of an imitation controlled substance,
27 or a controlled substance listed in section 124.204, subsection
28 4, paragraph "ai", or section 6, paragraph "i", that is not
29 sold by weight, or portion thereof, one thousand two hundred
30 dollars.

31 EXPLANATION

32 This bill relates to the excise tax on unlawful dealing in
33 certain substances.

34 The bill adds imitation controlled substances, as defined
35 in Code section 124A.2, to the list of taxable substances



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1 and rates in Code section 453B.7, and amends the definition
2 of "dealer" to include a person who ships, transports, or
3 imports into this state or acquires, purchases, possesses,
4 manufactures, or produces in this state one or more grams or
5 dosage units of an imitation controlled substance.

6 The definition of "dealer" is also amended to lower from
7 seven grams or 10 dosage units to one gram or one dosage
8 unit, the threshold at which a person is labeled a "dealer"
9 if that person ships, transports, or imports into this state
10 or acquires, purchases, possesses, manufactures, or produces
11 in this state a controlled substance listed in Code section
12 124.204, subsection 4, paragraph "ai", (certain hallucinogenic
13 substances), or subsection 6, paragraph "i", (certain
14 stimulants).

15 The bill amends the rates of tax on dealers to tax imitation
16 controlled substances and the controlled substances listed in
17 Code section 124.204, subsection 4, paragraph "ai", (certain
18 hallucinogenic substances), and subsection 6, paragraph "i",
19 (certain stimulants), at \$1,200 per gram or dosage unit, and
20 increases the other rates of tax as follows: On each gram
21 of processed marijuana, from \$5 to \$8; on each unprocessed
22 marijuana plant, from \$750 to \$1,200; on each gram of all other
23 taxable substances, from \$250 to \$400; and on each 10 dosage
24 units of all other taxable substances, from \$400 to \$640.

25 The bill also amends Code section 453B.4 to require that
26 any mixture of taxable substances containing an imitation
27 controlled substance or a controlled substance listed in
28 Code section 124.204, subsection 4, paragraph "ai", (certain
29 hallucinogenic substances), and subsection 6, paragraph "i",
30 (certain stimulants), shall be taxed at \$1,200 per gram instead
31 of \$400 per gram.

32 Under current law, dealers who violate Code chapter 453B are
33 subject to the tax imposed in the Code chapter and a penalty
34 equal to the tax. In addition, dealers who possess taxable
35 substances without a tax stamp or who create counterfeit tax



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1 stamps or possess a previously used or expired tax stamp are
2 guilty of a class "D" felony. A class "D" felony is punishable
3 by confinement for no more than five years and a fine of at
4 least \$750 but no more than \$7,500.



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House Study Bill 56 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to the renewal of driver's licenses
2 electronically and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1288DP (2) 85
dea/nh



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S.F. _____ H.F. _____

1 Section 1. Section 321.196, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. The department in its discretion may authorize the
4 renewal of a valid driver's license other than a commercial
5 driver's license upon application without an examination
6 provided that the applicant meets one of the following
7 conditions:

8 a. The applicant satisfactorily passes a vision test as
9 prescribed by the department ~~or~~.

10 b. The applicant files a vision report in accordance with
11 section 321.186A which shows that the applicant's visual acuity
12 level meets or exceeds those required by the department.

13 c. The applicant is eligible for license renewal
14 electronically, pursuant to rules adopted by the department.

15 4A. An application for renewal of a driver's license shall
16 include a statement for the applicant to sign that acknowledges
17 the applicant's knowledge of the requirement to notify the
18 department of a mailing address change under section 321.182,
19 subsection 1.

20 Sec. 2. EMERGENCY RULES. The department of transportation
21 may adopt emergency rules under section 17A.4, subsection 3,
22 and section 17A.5, subsection 2, paragraph "b", to implement
23 section 321.196, subsection 4, paragraph "c", as enacted in
24 this Act, and the rules shall be effective immediately upon
25 filing unless a later date is specified in the rules. Any
26 rules adopted in accordance with this section shall also be
27 published as a notice of intended action as provided in section
28 17A.4.

29 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 EXPLANATION

32 Under current law, an applicant for renewal of a driver's
33 license must either pass a vision test or file a vision report
34 that meets requirements of the department of transportation.
35 This bill provides that when the department renews a driver's

LSB 1288DP (2) 85
dea/nh



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1 license electronically, it may do so without requiring the
2 licensee to pass a vision test or file a vision report,
3 pursuant to rules of the department. The bill authorizes the
4 adoption of emergency rules to implement this provision. The
5 bill is effective upon enactment.



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House Study Bill 57 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act authorizing charitable giving payroll deductions for
2 community college employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1598YC (2) 85
ec/sc



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H.F. _____

1 Section 1. Section 70A.15A, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. "*Applicable public employer*" means a board of directors
4 of a school district, a community college, a county board of
5 supervisors, or a governing body of a city.

6 EXPLANATION

7 This bill allows a community college to authorize deductions
8 from the salaries or wages of its employees for payment to an
9 eligible charitable organization in the same manner as cities,
10 counties, and school districts. Code section 70A.15A defines
11 an eligible charitable organization as certain not-for-profit
12 federations of health and human services, social welfare, or
13 environmental agencies or associations.



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House Study Bill 58 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

- 1 An Act concerning charity beer and wine auctions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1666YC (1) 85
ec/nh



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H.F. _____

1 Section 1. Section 123.173A, subsection 4, Code 2013, is
2 amended by striking the subsection.

3 EXPLANATION

4 This bill eliminates the requirement that the beer and wine
5 auctioned at a charity beer and wine auction be obtained from
6 an Iowa retail beer or wine permittee or donated from a person
7 who obtained the beer and wine from such a permittee.



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House Study Bill 59 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act providing for the licensing of polysomnographic
2 technologists and providing for a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1671YC (2) 85
jr/nh



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H.F. _____

1 Section 1. Section 147.1, subsections 3 and 6, Code 2013,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and
13 family therapist, mental health counselor, polysomnographic
14 technologist, social worker, massage therapist, athletic
15 trainer, acupuncturist, nursing home administrator, hearing aid
16 dispenser, or sign language interpreter or transliterator means
17 a person licensed under this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy, mental
26 health counseling, polysomnography, social work, dietetics,
27 massage therapy, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, sign language
29 interpreting or transliterating, orthotics, prosthetics, or
30 pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2013, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, podiatry, osteopathic medicine and surgery,
35 psychology, chiropractic, physical therapy, physical

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1 therapist assisting, nursing, dentistry, dental hygiene,
2 dental assisting, optometry, speech pathology, audiology,
3 occupational therapy, occupational therapy assisting,
4 orthotics, prosthetics, pedorthics, respiratory care,
5 pharmacy, cosmetology arts and sciences, barbering, social
6 work, dietetics, marital and family therapy or mental health
7 counseling, massage therapy, mortuary science, polysomnography,
8 athletic training, acupuncture, nursing home administration,
9 hearing aid dispensing, or sign language interpreting
10 or transliterating, or shall not practice as a physician
11 assistant, unless the person has obtained a license for that
12 purpose from the board for the profession.

13 Sec. 3. Section 147.13, subsection 18, Code 2013, is amended
14 to read as follows:

15 18. For respiratory care and polysomnography, the board of
16 respiratory care.

17 Sec. 4. Section 147.14, subsection 1, paragraph o, Code
18 2013, is amended to read as follows:

19 o. For respiratory care, one licensed physician with
20 training in respiratory care, three respiratory care
21 practitioners who have practiced respiratory care for a
22 minimum of six years immediately preceding their appointment
23 to the board and who are recommended by the society for
24 respiratory care, three members who are licensed to practice
25 polysomnography, and ~~one member~~ two members not licensed to
26 practice medicine, osteopathic medicine, polysomnography, or
27 respiratory care who shall represent the general public.

28 Sec. 5. Section 147.74, Code 2013, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 23A. A person who is licensed to engage
31 in the practice of polysomnography shall have the right to use
32 the title "polysomnographic technologist" or the abbreviation
33 "PSGT". No other person may use that title or abbreviation
34 or any other words or letters indicating that the person is a
35 polysomnographic technologist.

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1 Sec. 6. NEW SECTION. 148G.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the board of respiratory care established
5 in chapter 147.

6 2. "*Direct supervision*" means that the polysomnographic
7 technologist providing supervision must be present where the
8 polysomnographic procedure is being performed and immediately
9 available to furnish assistance and direction throughout the
10 performance of the procedure.

11 3. "*General supervision*" means that the polysomnographic
12 procedure is provided under a physician's overall direction and
13 control, but the physician's presence is not required during
14 the performance of the procedure.

15 4. "*Physician*" means a person who is currently licensed in
16 Iowa to practice medicine and surgery or osteopathic medicine
17 and surgery and who is board certified in sleep medicine and
18 who is actively involved in the sleep medicine center or
19 laboratory.

20 5. "*Polysomnographic student*" means a person who is enrolled
21 in a commission on accreditation of allied health education
22 program or an equivalent program accredited by a nationally
23 recognized accrediting agency and who may provide sleep-related
24 services under the direct supervision of a polysomnographic
25 technologist as a part of the person's educational program.

26 6. "*Polysomnographic technician*" means a person who has
27 graduated from a commission on accreditation of allied health
28 education program or equivalent program accredited by a
29 nationally recognized accrediting agency, but has not yet
30 passed an accepted national credentialing examination given by
31 a testing body that is accredited by a nationally recognized
32 accrediting agency, credentialed in one of the health-related
33 fields accepted by the board of registered polysomnographic
34 technologists, may provide sleep-related services under the
35 direct supervision of a licensed polysomnographic technologist

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1 for a period of up to thirty days postgraduation while awaiting
2 credentialing examination scheduling and results.

3 7. "*Polysomnographic technologist*" means a person who is
4 credentialed by a nationally recognized accrediting agency
5 and is licensed by the board to engage in the practice of
6 polysomnography under the general supervision of a physician.

7 8. "*Practice of polysomnography*" means as described in
8 section 148G.2.

9 9. "*Sleep-related services*" means acts performed by
10 polysomnographic technicians, polysomnographic students, and
11 other persons permitted to perform those services under this
12 chapter, in a setting described in this chapter that would be
13 considered the practice of polysomnography if performed by a
14 polysomnographic technologist.

15 Sec. 7. NEW SECTION. 148G.2 Practice of polysomnography.

16 The practice of polysomnography consists of but is not
17 limited to the following tasks as performed for the purpose of
18 polysomnography, under the general supervision of a licensed
19 physician:

20 1. Monitoring, recording, and evaluating physiologic
21 data during polysomnographic testing and review during the
22 evaluation of sleep-related disorders, including sleep-related
23 respiratory disturbances, by applying any of the following
24 techniques, equipment, or procedures:

25 a. Noninvasive continuous, bilevel positive airway pressure,
26 or adaptive servo-ventilation titration on spontaneously
27 breathing patients using a mask or oral appliance; provided,
28 that the mask or oral appliance does not extend into the
29 trachea or attach to an artificial airway.

30 b. Supplemental low-flow oxygen therapy of less than six
31 liters per minute, utilizing a nasal cannula or incorporated
32 into a positive airway pressure device during a polysomnogram.

33 c. Capnography during a polysomnogram.

34 d. Cardiopulmonary resuscitation.

35 e. Pulse oximetry.

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- 1 *f.* Gastroesophageal pH monitoring.
- 2 *g.* Esophageal pressure monitoring.
- 3 *h.* Sleep stage recording using surface
- 4 electroencephalography, surface electrooculography, and surface
- 5 submental electromyography.
- 6 *i.* Surface electromyography.
- 7 *j.* Electrocardiography.
- 8 *k.* Respiratory effort monitoring, including thoracic and
- 9 abdominal movement.
- 10 *l.* Plethysmography blood flow monitoring.
- 11 *m.* Snore monitoring.
- 12 *n.* Audio and video monitoring.
- 13 *o.* Body movement monitoring.
- 14 *p.* Nocturnal penile tumescence monitoring.
- 15 *q.* Nasal and oral airflow monitoring.
- 16 *r.* Body temperature monitoring.
- 17 2. Monitoring the effects that a mask or oral appliance
- 18 used to treat sleep disorders has on sleep patterns; provided,
- 19 however, that the mask or oral appliance shall not extend into
- 20 the trachea or attach to an artificial airway.
- 21 3. Observing and monitoring physical signs and symptoms,
- 22 general behavior, and general physical response to
- 23 polysomnographic evaluation and determining whether initiation,
- 24 modification, or discontinuation of a treatment regimen is
- 25 warranted.
- 26 4. Analyzing and scoring data collected during the
- 27 monitoring described in this section for the purpose of
- 28 assisting a physician in the diagnosis and treatment of sleep
- 29 and wake disorders that result from developmental defects,
- 30 the aging process, physical injury, disease, or actual or
- 31 anticipated somatic dysfunction.
- 32 5. Implementation of a written or verbal order from a
- 33 licensed physician to perform polysomnography.
- 34 6. Education of a patient regarding the treatment regimen
- 35 that assists the patient in improving the patient's sleep.



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1 7. Use of any oral appliance used to treat sleep-disordered
2 breathing while under the care of a licensed polysomnographic
3 technologist during the performance of a sleep study, as
4 directed by a licensed dentist.

5 Sec. 8. NEW SECTION. 148G.3 Location of services.

6 The practice of polysomnography shall take place only in a
7 facility that is accredited by a nationally recognized sleep
8 medicine laboratory or center accrediting agency; provided,
9 however, that the scoring of data and the education of patients
10 may take place in settings other than in a facility that is
11 accredited by a nationally recognized sleep medicine laboratory
12 or center accrediting agency.

13 Sec. 9. NEW SECTION. 148G.4 Scope of chapter.

14 Nothing in this chapter shall be construed to limit or
15 restrict a health care practitioner licensed in this state from
16 engaging in the full scope of practice of the individual's
17 profession. Respiratory therapists licensed in Iowa and
18 working within the scope of practice of their license as
19 provided in chapter 152B are exempt from this chapter.

20 Sec. 10. NEW SECTION. 148G.5 Powers of the board.

21 The board may do any of the following:

22 1. Promulgate rules necessary for the implementation and
23 administration of this chapter and the applicable provisions
24 of chapter 147.

25 2. Establish fees as provided in section 147.80.

26 3. Review and approve or reject the application of each
27 person who applies for licensure as a polysomnographic
28 technologist.

29 4. Issue all temporary permits and all approved licenses and
30 renewals of licenses.

31 5. Deny, suspend, revoke, restrict, or impose conditions
32 on a license, as the board deems necessary or appropriate at
33 the time a license is issued, renewed, or reinstated, or as a
34 sanction imposed at the conclusion of a disciplinary hearing.

35 6. Issue private advisory letter rulings to any person

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1 licensed under this chapter who makes a request for a ruling
2 regarding any matter within the board's jurisdiction; provided,
3 however, that the ruling shall affect only the licensee making
4 the inquiry and shall have no precedential value for any other
5 contested case or inquiry before the board or the committee.

6 7. Develop a code of ethics for the practice of
7 polysomnography.

8 8. Develop standards of care for the practice of
9 polysomnography.

10 9. Develop standards for the educational and clinical
11 training of polysomnographic technologists, including the
12 evaluation of the accreditation status of educational programs
13 in polysomnography.

14 10. Develop criteria for the evaluation of applications for
15 licensure submitted by polysomnographic technologists who are
16 licensed in other states.

17 11. Develop continuing education requirements for licensed
18 polysomnographic technologists.

19 Sec. 11. **NEW SECTION. 148G.6 Licensing requirement.**

20 1. a. Commencing January 1, 2014, a person who is engaged
21 in the practice of polysomnography shall be licensed as
22 provided in this chapter and it shall be unlawful for any
23 person to engage in the practice of polysomnography without
24 such license.

25 b. (1) Prior to January 1, 2014, a person who is engaged in
26 the practice of polysomnography without being licensed under
27 this chapter shall not be deemed to be in violation of this
28 chapter.

29 (2) A person who is engaged in the practice of
30 polysomnography on January 1, 2014, shall be eligible for
31 licensure under this chapter without meeting the educational
32 requirements of this section provided that the person meets
33 the requirements set out in this chapter. This person shall
34 meet or exceed the passing point of a nationally accepted
35 credentialing exam in polysomnographic technology by January

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1 1, 2015.

2 2. A person seeking licensure as a polysomnographic
3 technologist shall be of good moral character, shall be at
4 least eighteen years of age, shall pay the fees established
5 by the board for licensure, and shall present proof that the
6 person meets one of the following educational requirements:

7 a. Graduation from a polysomnographic educational program
8 that is accredited by the committee on accreditation for
9 polysomnographic technologist education or by a committee
10 on accreditation for the commission on accreditation of
11 allied health education programs, or an equivalent program as
12 determined by the board.

13 b. Graduation from a respiratory care educational program
14 that is accredited by the commission on accreditation
15 for respiratory care or by a committee on accreditation
16 for the commission on accreditation of allied health
17 education programs, and completion of the curriculum for a
18 polysomnographic certificate established and accredited by the
19 commission on accreditation of allied health education programs
20 as an extension of the respiratory care program.

21 c. Graduation from an electroneurodiagnostic technologist
22 educational program that is accredited by the committee
23 on accreditation for education in electroneurodiagnostic
24 technology or by a committee on accreditation for the
25 commission on accreditation of allied health education
26 programs, and completion of the curriculum for a
27 polysomnography certificate established and accredited by the
28 commission on accreditation of allied health education programs
29 as an extension of the electroneurodiagnostic education
30 program.

31 3. To be eligible for renewal of a license to engage in the
32 practice of polysomnography, a polysomnographic technologist
33 shall maintain that person's credential in compliance with
34 rules set forth by a national accredited certifying agency, as
35 adopted by the board in rule.



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1 Sec. 12. NEW SECTION. 148G.7 Persons exempt from licensing
2 requirement — temporary permit.

3 1. The following persons may provide sleep-related services
4 without being licensed as a polysomnographic technologist under
5 this chapter:

6 a. A polysomnographic technician may provide sleep-related
7 services under the general supervision of a physician for
8 a period of up to six months from the date of the person's
9 graduation from one of the accredited programs described in
10 section 148G.6. The board may in its sole discretion grant a
11 one-time extension of up to three months beyond this one-year
12 period.

13 b. A polysomnographic student may provide sleep-related
14 services under the direct supervision of a polysomnographic
15 technologist as a part of the person's educational program
16 while actively enrolled in a polysomnographic educational
17 program that is accredited by the commission on accreditation
18 of allied health education programs or an equivalent program as
19 determined by the board.

20 c. A person, other than a respiratory care practitioner
21 licensed under this chapter, credentialed in one of the
22 health-related fields accepted by the board of registered
23 polysomnographic technologists or another nationally
24 recognized accrediting agency, or a graduate of a commission on
25 accreditation of allied health educational program may provide
26 sleep-related services under direct supervision of a licensed
27 polysomnographic technologist for a period up to thirty
28 days postgraduation while awaiting credentialing examination
29 scheduling and results.

30 2. Before providing any sleep-related services, a
31 polysomnographic technician shall obtain a temporary permit
32 from the board. While providing sleep-related services, the
33 technician shall wear a badge that appropriately identifies the
34 person as a polysomnographic technician.

35 3. Before providing any sleep-related services, a person

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1 who is obtaining clinical experience shall give notice to the
2 board that the person is working under the direct supervision
3 of a polysomnographic technologist in order to gain the
4 experience to be eligible to sit for a national certification
5 examination. The person shall wear a badge that appropriately
6 identifies the person while providing such services.

7 4. Polysomnographic students shall not receive compensation
8 for the sleep-related services they provide and shall wear
9 badges that appropriately identify them as students.

10 Sec. 13. NEW SECTION. 148G.8 **Issuance, retirement, and**
11 **renewal of licenses.**

12 1. The board shall issue and renew licenses under this
13 chapter as provided by the board in rule.

14 2. A person who has been issued a license to practice under
15 this chapter who wishes to retire that license shall file with
16 the board an affidavit on a form to be furnished by the board
17 stating the date on which the person retired from practice
18 and other facts that verify the retirement as the board deems
19 necessary. Any such person who thereafter wishes to reenter
20 practice shall request reinstatement of licensure.

21 3. A license issued by the board under this chapter
22 shall contain the name and address of the person to whom it
23 is issued, the date and number of the license, and other
24 information that the board deems necessary.

25 a. The address contained on the license shall be the address
26 where all correspondence and renewal forms from the board shall
27 be sent.

28 b. Any person whose address changes shall, within thirty
29 days after the change in address, notify the board of the
30 address change. The most recent address contained in the
31 board's records for each license holder shall be the address
32 deemed sufficient for purposes of service of process.

33 4. A license shall either be prominently displayed in the
34 office or place in which the person practices or be stored in a
35 place from which it can be immediately produced upon request of

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1 a patient or representative of the board.

2 5. A person whose license has been lost may make application
3 to the board for a replacement. The application shall be
4 accompanied by an affidavit setting out the facts concerning
5 the loss of the original license.

6 Sec. 14. NEW SECTION. 148G.9 Licensing sanctions.

7 The board may impose sanctions for violations of this
8 chapter as provided in chapters 147 and 272C.

9 Sec. 15. INITIAL APPOINTMENTS.

10 1. Initial appointments of polysomnographic technologists
11 to the board of respiratory care pursuant to this Act shall be
12 made as follows: two members shall be appointed to a term of
13 three years and one member shall be appointed to a term of one
14 year. Each regular appointment thereafter shall be for a term
15 of three years.

16 2. The Iowa sleep society may submit a list of three
17 names to the governor for each position to be filled by a
18 polysomnographic technologist.

19 EXPLANATION

20 This bill requires the licensing of polysomnographic
21 technologists and makes the provisions of Code chapters 147
22 and 272C, including penalty and other regulatory provisions,
23 applicable to other health professions applicable to the
24 practice of polysomnography. Code section 147.86 provides
25 that it is a serious misdemeanor to violate a provision of
26 the licensing laws. A serious misdemeanor is punishable
27 by confinement for no more than one year and a fine of at
28 least \$315 but not more than \$1,875. The licensing program
29 is administered and regulated by the board of respiratory
30 care, with four new members added; three polysomnographic
31 technologists and one additional public member, for a total of
32 nine members.

33 A licensed polysomnographic technologist practices under
34 the general supervision of a licensed physician, providing
35 specifically enumerated services related to sleep disorders. A

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1 polysomnographic student enrolled in an approved educational
2 program provides services under the direct supervision of a
3 polysomnographic technologist.
4 The bill sets out educational standards and testing
5 requirements, and provides for disciplinary actions.



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House Study Bill 60 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

- 1 An Act relating to the failure to wear a motor vehicle
- 2 safety belt or safety harness or use a motor vehicle child
- 3 restraint system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.445, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:

3 b. In a cause of action arising on or after July 1, 1986,
4 brought to recover damages arising out of the ownership or
5 operation of a motor vehicle, the failure to wear a safety
6 belt or safety harness in violation of this section shall not
7 may be considered evidence of comparative fault under section
8 668.3, subsection 1. ~~However, except as provided in section~~
9 ~~321.446, subsection 6, the failure to wear a safety belt or~~
10 ~~safety harness in violation of this section may be admitted to~~
11 ~~mitigate damages, but only under the following circumstances:~~

12 (1) ~~Parties, provided that a party seeking to introduce~~
13 ~~evidence of the failure to wear a safety belt or safety harness~~
14 ~~in violation of this section must first introduce substantial~~
15 ~~evidence that the failure to wear a safety belt or safety~~
16 ~~harness contributed to the injury or injuries claimed by the~~
17 ~~plaintiff.~~

18 (2) ~~If the evidence supports such a finding, the trier of~~
19 ~~fact may find that the plaintiff's failure to wear a safety~~
20 ~~belt or safety harness in violation of this section contributed~~
21 ~~to the plaintiff's claimed injury or injuries, and may reduce~~
22 ~~the amount of plaintiff's recovery by an amount not to exceed~~
23 ~~five percent of the damages awarded after any reductions for~~
24 ~~comparative fault.~~

25 Sec. 2. Section 321.446, subsection 6, Code 2013, is amended
26 by striking the subsection.

27 EXPLANATION

28 Current law allows evidence of failure to wear a motor
29 vehicle safety belt or safety harness as required by Code
30 section 321.445, subsection 2, to be used to mitigate damages
31 in a civil case upon a showing of substantial evidence that the
32 failure to wear the safety belt or safety harness contributed
33 to the injuries claimed. The bill eliminates the statutory
34 5 percent limitation on the reduction in damages awarded to
35 plaintiffs who fail to wear a safety belt or safety harness

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1 and allows the jury to determine the appropriate reduction in
2 damages for failure to wear a seat belt or safety harness upon
3 consideration of all of the facts in the case.

4 Current law provides that evidence of a failure to use a
5 child restraint system, safety belts, or safety harnesses
6 as required by Code section 321.446, subsection 6, does
7 not constitute negligence nor is such evidence admissible
8 in a civil action. The bill eliminates the prohibition on
9 introducing such evidence. A child restraint system is a
10 specially designed seating system, including a belt-positioning
11 seat or a booster seat, that meets federal motor vehicle safety
12 standards.



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Senate File 29 - Introduced

SENATE FILE 29
BY ZAUN

A BILL FOR

1 An Act relating to the use of federal health care reform
2 funding for abortions, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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pf/nh



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S.F. 29

1 Section 1. FEDERAL HEALTH CARE REFORM MEASURES —
2 PROHIBITION OF FUNDING FOR ABORTIONS.

3 1. The use of funds appropriated under or appropriated
4 to any trust fund pursuant to the federal Patient Protection
5 and Affordable Care Act, the federal Health Care and Education
6 Reconciliation Act of 2010, or any successor legislation, shall
7 be restricted in this state as follows:

8 a. Such funds shall not be expended for any abortion in this
9 state.

10 b. Such funds shall not be expended for health insurance
11 coverage, health benefits, or health services that include
12 coverage for abortion, provided through a contract or other
13 arrangement with a carrier as defined in section 513B.2.

14 2. The restrictions of this section shall not apply to the
15 use of such funds for an abortion if the woman suffers from
16 a physical disorder, physical injury, or physical illness,
17 including a life-endangering physical condition caused by or
18 arising from the pregnancy itself, that would, as certified
19 by a physician, place the woman in danger of death unless an
20 abortion is performed.

21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill restricts the use of funds appropriated under
25 or appropriated to any trust fund pursuant to federal health
26 care reform legislation for use in this state, by prohibiting
27 expenditure of such funds for an abortion in the state and for
28 health insurance coverage, health benefits, or health services
29 that include coverage for abortion, provided by a carrier. The
30 restrictions do not apply, however, if the woman suffers from
31 a physical disorder, physical injury, or physical illness,
32 including a life-endangering physical condition caused by or
33 arising from the pregnancy itself, that would, as certified
34 by a physician, place the woman in danger of death unless an
35 abortion is performed.



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1 The bill takes effect upon enactment.



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Senate File 30 - Introduced

SENATE FILE 30
BY ANDERSON

A BILL FOR

1 An Act relating to and extending provisions applicable to the
2 renewable energy tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 30

1 Section 1. Section 476C.1, subsection 6, paragraph d, Code
2 2013, is amended to read as follows:

3 d. Was initially placed into service on or after July 1,
4 2005, and before January 1, ~~2015~~ 2018.

5 Sec. 2. Section 476C.5, Code 2013, is amended to read as
6 follows:

7 **476C.5 Certificate issuance period.**

8 A producer or purchaser of renewable energy may receive
9 renewable energy tax credit certificates for a ten-year period
10 for each eligible renewable energy facility under this chapter.
11 The ten-year period for issuance of the tax credit certificates
12 begins with the date the purchaser of renewable energy first
13 purchases electricity, hydrogen fuel, methane gas or other
14 biogas used to generate electricity, or heat for commercial
15 purposes from the eligible renewable energy facility for
16 which a tax credit is issued under this chapter, or the date
17 the producer of the renewable energy first uses the energy
18 produced by the eligible renewable energy facility for on-site
19 consumption. Renewable energy tax credit certificates shall
20 not be issued for renewable energy purchased or produced for
21 on-site consumption after December 31, ~~2024~~ 2027.

22 EXPLANATION

23 This bill extends by three years the time period during which
24 an eligible renewable energy facility seeking to qualify for
25 the renewable energy tax credit pursuant to Code chapter 476C
26 shall have been placed in service to before January 1, 2018.
27 The bill correspondingly extends the existing 10-year duration
28 for credit issuance to December 31, 2027.



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Senate File 31 - Introduced

SENATE FILE 31
BY ZAUN

A BILL FOR

1 An Act relating to statements of refund value on beverage
2 containers for wine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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tm/nh



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S.F. 31

1 Section 1. Section 455C.5, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. d. The beverage container contains wine as
4 defined in section 123.3.

5 EXPLANATION

6 This bill provides that beverage containers containing wine
7 are not required to have the beverage container refund value
8 affixed to the container.



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Senate File 32 - Introduced

SENATE FILE 32
BY ANDERSON and BERTRAND

A BILL FOR

1 An Act relating to a property assessment adjustment for certain
2 persons, applying income and age limitations, providing a
3 penalty, and including retroactive and other applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 32

1 Section 1. NEW SECTION. **425B.1 Homestead assessed value**
2 **adjustment — purpose.**

3 Persons who own their homesteads and who meet the
4 qualifications provided in this chapter are eligible for an
5 adjustment in the assessed value of their homesteads, as
6 provided in this chapter, to prevent an increase in such
7 values.

8 Sec. 2. NEW SECTION. **425B.2 Definitions.**

9 As used in this chapter, unless the context otherwise
10 requires:

11 1. "*Assessed value*" means the actual value prior to any
12 adjustment pursuant to section 441.21, subsection 4.

13 2. "*Base assessment year*" means the assessment year
14 beginning in the base year.

15 3. "*Base year*" means the calendar year last ending before
16 the claim is filed.

17 4. "*Claimant*" means a person filing a claim for adjustment
18 under this chapter who has attained the age of sixty-five years
19 on or before December 31 of the base year and is domiciled in
20 this state at the time the claim is filed or at the time of the
21 person's death in the case of a claim filed by the executor or
22 administrator of the claimant's estate.

23 5. "*Homestead*" means the dwelling owned and actually used
24 as a home by the claimant during any part of the fiscal year
25 beginning July 1 of the base year and so much of the land
26 surrounding it, including one or more contiguous lots or tracts
27 of land, as is reasonably necessary for use of the dwelling
28 as a home, and may consist of a part of a multidwelling or
29 multipurpose building and a part of the land upon which it is
30 built. It does not include personal property except that a
31 manufactured or mobile home may be a homestead. Any dwelling
32 or a part of a multidwelling or multipurpose building which is
33 exempt from taxation does not qualify as a homestead under this
34 chapter. A homestead must be located in this state. When a
35 person is confined in a nursing home, extended-care facility,

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1 or hospital, the person shall be considered as occupying or
2 living in the person's homestead if the person is the owner
3 of the homestead and the person maintains the homestead and
4 does not lease, rent, or otherwise receive profits from other
5 persons for the use of the homestead.

6 6. "Household", "household income", and "income" mean the
7 same as those terms are defined in section 425.17.

8 7. "Owned" means owned by an owner as defined in section
9 425.11.

10 Sec. 3. NEW SECTION. 425B.3 Right to file a claim.

11 The right to file a claim for an assessed value adjustment
12 under this chapter may be exercised by the claimant or on
13 behalf of a claimant by the claimant's legal guardian, spouse,
14 or attorney, or by the executor or administrator of the
15 claimant's estate. If a claimant dies after having filed a
16 claim for adjustment, the amount of any adjustment shall be
17 made as if the claimant had not died.

18 Sec. 4. NEW SECTION. 425B.4 Claim for adjustment.

19 1. Subject to the limitations provided in this chapter,
20 a claimant may annually claim an adjustment of the assessed
21 value of the claimant's homestead for the base assessment year.
22 The adjustment claim shall be filed with the county assessor
23 between January 1 and February 15 immediately following
24 the close of the base assessment year. However, in case of
25 sickness, absence, or other disability of the claimant, or
26 if in the judgment of the county assessor good cause exists,
27 the county assessor may extend the time for filing a claim for
28 adjustment through June 30 of the same calendar year.

29 2. The county assessor shall notify the department of
30 revenue by March 1 of the number of claimants receiving
31 adjustments under this chapter and the total amount of the
32 reduced assessed values for the base assessment year.

33 Sec. 5. NEW SECTION. 425B.5 Qualification and adjustment
34 — maximum tax dollars levied.

35 1. If the household income qualification specified in

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md/sc

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1 subsection 2 is met, the assessed value of the claimant's
2 homestead in the base assessment year shall be adjusted, but
3 not increased, to equal the assessed value, as such assessed
4 value may have been adjusted pursuant to this chapter, in
5 the assessment year preceding the base assessment year. If
6 the amount of property taxes levied against the adjusted
7 assessment exceeds the amount of property taxes levied against
8 the property in the fiscal year for which taxes were first
9 levied against an adjusted assessment under this chapter, the
10 treasurer shall subtract the difference from the amount due.

11 2. A claimant is eligible for an adjustment to the assessed
12 value of the claimant's homestead if the claimant's household
13 income is twenty-five thousand dollars or less in the base
14 year.

15 Sec. 6. NEW SECTION. **425B.6 Administration.**

16 The director of revenue shall make available suitable forms
17 for claiming an assessed value adjustment with instructions
18 for claimants. Each assessor and county treasurer shall make
19 available the forms and instructions. The claim shall be in a
20 form as the director may prescribe.

21 Sec. 7. NEW SECTION. **425B.7 Proof of claim.**

22 1. Every claimant shall give the department of revenue, in
23 support of the claim, reasonable proof of:

24 a. Age.

25 b. Changes of homestead.

26 c. Household membership.

27 d. Household income.

28 e. Size and nature of the property claimed as the homestead.

29 2. The director of revenue may require any additional proof
30 necessary to support a claim.

31 Sec. 8. NEW SECTION. **425B.8 Audit — denial.**

32 If on the audit of a claim for adjustment under this chapter,
33 the director of revenue determines the claim is not allowable,
34 the director shall notify the claimant of the denial and the
35 reasons for it. The director shall not deny a claim after

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1 three years from October 31 of the year in which the claim was
2 filed. The director shall give notification to the county
3 assessor of the denial of the claim and the county assessor
4 shall instruct the county treasurer to proceed to collect the
5 tax that would have been levied on the applicable adjusted
6 assessed value in the same manner as other property taxes
7 due and payable are collected, if the property on which the
8 adjustment was granted is still owned by the claimant.

9 Sec. 9. NEW SECTION. **425B.9 Waiver of confidentiality.**

10 1. A claimant shall expressly waive any right to
11 confidentiality relating to all income tax information
12 obtainable through the department of revenue, including all
13 information covered by sections 422.20 and 422.72. This waiver
14 shall apply to information available to the county assessor who
15 shall hold the information confidential except that it may be
16 used as evidence to disallow the assessed value adjustment.

17 2. The department of revenue may release information
18 pertaining to a person's eligibility or claim for or receipt of
19 the assessed value adjustment to an employee of the department
20 of inspections and appeals in the employee's official conduct
21 of an audit or investigation.

22 Sec. 10. NEW SECTION. **425B.10 False claim — penalty.**

23 A person who makes a false affidavit for the purpose of
24 obtaining an adjustment in assessed value provided for in
25 this chapter or who knowingly receives the adjustment without
26 being legally entitled to it or makes claim for the adjustment
27 in more than one county in the state without being legally
28 entitled to it is guilty of a fraudulent practice. The claim
29 for adjustment shall be disallowed in full and property tax
30 shall be levied on the disallowed adjustment at the rate that
31 would have been levied but for the adjustment. The director of
32 revenue shall send a notice of disallowance of the claim.

33 Sec. 11. NEW SECTION. **425B.11 Statutes applicable.**

34 To the extent not otherwise contrary, the provisions of
35 sections 425.30, 425.31, 425.32, and 425.37 apply to this



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1 chapter.

2 Sec. 12. APPLICABILITY. This Act applies retroactively to
3 January 1, 2013, for assessment years beginning on or after
4 that date and to the filing of claims on or after January 1,
5 2014, for adjustments of assessed values.

6 EXPLANATION

7 This bill provides for an adjustment in the assessed value
8 of a homestead if the owner is a person who is 65 or older
9 and whose household income is \$25,000 or less. If those
10 qualifications are met, the assessed value of the homestead
11 upon which property taxes are levied in a fiscal year is the
12 same assessed value as for the previous fiscal year. The
13 bill specifies that assessed value is that value prior to any
14 rollback being applied.

15 The bill provides that a person who makes a false affidavit
16 for the purpose of obtaining an adjustment, knowingly receives
17 the adjustment without being legally entitled to it, or makes
18 claim for the adjustment in more than one county without being
19 legally entitled to it is guilty of a fraudulent practice and
20 is subject to a criminal penalty.

21 The bill applies retroactively to January 1, 2013, for
22 assessment years beginning on or after that date and applies to
23 claims filed on or after January 1, 2014, for the adjustments.



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Senate File 33 - Introduced

SENATE FILE 33
BY JOHNSON

A BILL FOR

1 An Act relating to driving while engaged in a distracting
2 activity and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1495XS (3) 85
dea/nh



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1 Section 1. Section 321.210, subsection 2, paragraph e, Code
2 2013, is amended to read as follows:

3 e. Violations of section ~~321.276~~ 321.276A.

4 Sec. 2. NEW SECTION. 321.276A Driving while distracted —
5 penalty.

6 1. a. A person shall not engage in a distracting activity
7 while operating a motor vehicle unless the motor vehicle is at
8 a complete stop off the traveled portion of the roadway.

9 b. For purposes of this section, "*distracting activity*"
10 means any activity that is not immediately necessary to the
11 operation of the motor vehicle and that impairs, or could
12 reasonably be expected to impair, the person's ability to drive
13 safely. "*Distracting activity*" includes but is not limited to
14 the use of a wireless telephone.

15 2. This section does not apply to a member of a public
16 safety agency, as defined in section 34.1, while engaged in the
17 performance of the member's official duties.

18 3. A person convicted of a violation of this section commits
19 a simple misdemeanor punishable as a scheduled violation under
20 section 805.8A, subsection 6, paragraph "0c".

21 Sec. 3. Section 321.482A, unnumbered paragraph 1, Code
22 2013, is amended to read as follows:

23 Notwithstanding section 321.482, a person who is convicted
24 of operating a motor vehicle in violation of section 321.178,
25 subsection 2, paragraph "a", subparagraph (2), section
26 321.180B, subsection 6, section 321.194, subsection 1,
27 paragraph "c", section 321.256, section 321.257, section
28 321.275, subsection 4, section ~~321.276~~ 321.276A, 321.297,
29 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306,
30 321.307, 321.308, section 321.309, subsection 2, or section
31 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324,
32 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3,
33 causing serious injury to or the death of another person may be
34 subject to the following penalties in addition to the penalty
35 provided for a scheduled violation in section 805.8A or any

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1 other penalty provided by law:

2 Sec. 4. Section 321.555, subsection 2, Code 2013, is amended
3 to read as follows:

4 2. Six or more of any separate and distinct offenses within
5 a two-year period in the operation of a motor vehicle, which
6 are required to be reported to the department by section
7 321.491 or chapter 321C, except equipment violations, parking
8 violations as defined in section 321.210, violations of
9 registration laws, violations of sections 321.445 and 321.446,
10 violations of section ~~321.276~~ 321.276A, operating a vehicle
11 with an expired license or permit, failure to appear, weights
12 and measures violations and speeding violations of less than
13 fifteen miles per hour over the legal speed limit.

14 Sec. 5. Section 805.8A, subsection 6, Code 2013, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *0c.* Section 321.276A.....\$30.

17 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code
18 2013, is amended by striking the paragraph.

19 Sec. 7. REPEAL. Section 321.276, Code 2013, is repealed.

20 EXPLANATION

21 This bill prohibits a person from engaging in a distracting
22 activity while operating a motor vehicle.

23 The bill repeals Code section 321.276, which prohibits a
24 person from using a hand-held electronic communication device
25 to write, send, or read a text message while driving a motor
26 vehicle. The Code section is only enforceable as a secondary
27 action when a peace officer stops or detains a driver for a
28 suspected violation of another motor vehicle law. A violation
29 is punishable by a scheduled fine of \$30, with higher penalties
30 applicable if the violation causes serious injury to or the
31 death of another person. A violation may not be considered by
32 the department of transportation for purposes of suspending
33 a person's driver's license or determining a person to be a
34 habitual offender.

35 The bill establishes the broader offense of driving while

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1 engaged in a distracting activity, which is defined to mean any
2 activity that is not immediately necessary to the operation
3 of the motor vehicle and that impairs, or could reasonably
4 be expected to impair, the person's ability to drive safely.
5 The bill specifies that the use of a wireless telephone is a
6 distracting activity. The bill does not apply to a driver
7 when the motor vehicle is at a complete stop off the traveled
8 portion of the roadway, and the bill does not apply to members
9 of public safety agencies while engaged in the performance of
10 official duties.

11 Under the bill, driving while distracted is enforceable as a
12 primary offense, but may not be considered by the department
13 of transportation for purposes of driver's license suspensions
14 or habitual offender determinations. A person convicted
15 of driving while distracted commits a simple misdemeanor
16 punishable by a scheduled fine of \$30. If the violation causes
17 serious injury to another person, the court may impose an
18 additional fine of \$500 or suspension of the person's driver's
19 license for not more than 90 days, or both. If the violation
20 causes the death of another person, the court may impose an
21 additional fine of \$1,000 or suspend the person's driver's
22 license for not more than 180 days, or both.

23 Under current law, young drivers who have an instruction
24 permit, an intermediate license, a special minor's license
25 (school license), or a restricted license to travel to and from
26 work are prohibited from using an electronic communication
27 device or an electronic entertainment device while driving.
28 A violation is not considered a moving violation, but is
29 considered to be a violation of the restrictions of the
30 driver's license, punishable by license sanctions in addition
31 to a scheduled fine of \$50. The bill does not affect this
32 current law relating specifically to the use of electronic
33 devices by young drivers. The new provisions under the bill
34 prohibiting distracted driving would also apply to young
35 drivers.



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1 Currently under Code section 321.238, the provisions of Iowa
2 law restricting the use of electronic communication devices or
3 electronic entertainment devices by a motor vehicle operator
4 preempt any county or municipal ordinance relating to such use.
5 The bill does not affect that preemption provision.



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Senate File 34 - Introduced

SENATE FILE 34

BY BOLKCOM, RAGAN, PETERSEN,
SODDERS, MATHIS, HART,
BEALL, McCOY, JOCHUM,
GRONSTAL, QUIRMBACH,
WILHELM, DEARDEN, HORN,
TAYLOR, HATCH, SENG,
DANIELSON, DOTZLER, and
BLACK

A BILL FOR

1 An Act relating to reimbursement for services provided under a
2 medical assistance home and community-based services waiver
3 for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1639XS (2) 85
pf/rj



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S.F. 34

1 Section 1. NEW SECTION. 249A.30B Home and community-based
2 services waiver — elderly — reimbursement.

3 The reimbursement for a provider of services under a medical
4 assistance program home and community-based services waiver
5 for the elderly shall be recalculated annually on July 1. The
6 annual inflation factor applied shall be determined based on
7 the total skilled nursing facility market basket index utilized
8 by the centers for Medicare and Medicaid services of the United
9 States department of health and human services.

10 EXPLANATION

11 This bill requires the reimbursement for providers of
12 services under a medical assistance home and community-based
13 services waiver for the elderly to be recalculated annually
14 on July 1. The annual inflation factor applied is to be
15 determined based on the skilled nursing facility market
16 basket index utilized by the centers for Medicare and Medicaid
17 services of the United States department of health and human
18 services.



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Senate File 35 - Introduced

SENATE FILE 35

BY BOLKCOM, PETERSEN, MATHIS,
HART, RAGAN, SODDERS,
BOWMAN, BEALL, McCOY,
JOCHUM, GRONSTAL, WILHELM,
DEARDEN, HORN, TAYLOR,
HATCH, BRASE, SENG,
DANIELSON, DOTZLER,
SCHOENJAHN, BLACK, and
QUIRMBACH

A BILL FOR

1 An Act relating to elderly persons with aggressive or
2 psychiatric behaviors in long-term care facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1589XS (3) 85
ad/nh



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S.F. 35

1 Section 1. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR
2 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

3 1. The department of inspections and appeals, in
4 conjunction with the department of human services, shall
5 establish and facilitate a committee of stakeholders to examine
6 options for designating a facility to provide care for elderly
7 persons in this state who are sexually aggressive, combative,
8 or have unmet geropsychiatric needs.

9 2. The membership of the committee shall include but is not
10 limited to the following:

11 a. Representatives of the departments of inspections and
12 appeals, human services, public health, and aging, the state
13 public defender, the office of the citizens' aide, the office
14 of the state long-term care resident's advocate, and the
15 judicial branch.

16 b. Consumers of services provided by long-term care
17 facilities and family members of consumers.

18 c. Long-term care facility administrators or owners.

19 d. Direct care workers employed by long-term care
20 facilities.

21 e. Representatives from Iowa legal aid.

22 f. Representatives from AARP Iowa.

23 g. Representatives from the Iowa civil liberties union.

24 h. Other stakeholders as the department of inspections and
25 appeals and the department of human services deem appropriate.

26 3. The committee shall discuss whether a long-term care
27 facility, as defined in section 142D.2, should have the
28 ability to refuse admission to, or discharge, residents who are
29 sexually aggressive, combative, or have unmet geropsychiatric
30 needs. The committee shall consider options for establishment
31 of a facility to provide care for persons who are sexually
32 aggressive, combative, or have unmet geropsychiatric needs.
33 The committee shall identify the characteristics of residents
34 for such a facility, options for creating a new facility
35 to house such residents, options for the expansion of an

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1 existing facility to house such residents, options for using
2 any alternative facilities for such residents, the workforce
3 and training necessary for the workforce in such facility,
4 options to qualify a facility for Medicaid reimbursement, cost
5 projections for any recommendations, and other information
6 deemed relevant by the department of inspections and appeals.

7 4. The committee shall provide a report detailing its
8 findings and recommendations to the governor and the general
9 assembly by December 15, 2013.

10 EXPLANATION

11 This bill relates to housing of elderly persons who
12 are sexually aggressive or combative or who have unmet
13 geropsychiatric needs. The bill directs the department of
14 inspections and appeals, in conjunction with the department
15 of human services, to establish and facilitate a committee
16 to address the placement or housing of such persons. The
17 committee must identify the residents to be served; the need
18 for a facility; options for creating a new facility, expanding
19 an existing facility, or using any alternative facility for
20 the purpose of housing the identified persons; the workforce
21 and training needs for such a facility; options to qualify a
22 facility for Medicaid reimbursement; cost projections for the
23 recommendations; and other information deemed relevant by the
24 department of inspections and appeals.

25 The committee must provide a report of findings and
26 recommendations to the governor and general assembly by
27 December 15, 2013.



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Senate File 36 - Introduced

SENATE FILE 36

BY BOLKCOM, PETERSEN, SODDERS,
MATHIS, HART, BEALL,
JOCHUM, McCOY, GRONSTAL,
WILHELM, DEARDEN, HORN,
TAYLOR, HATCH, BRASE,
SENG, DANIELSON, DOTZLER,
DVORSKY, RAGAN, SCHOENJAHN,
BLACK, and QUIRMBACH

A BILL FOR

1 An Act relating to the long-term care resident's advocate
2 program and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1627XS (3) 85
pf/rj



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S.F. 36

1 Section 1. LONG-TERM CARE RESIDENT'S ADVOCATE —
2 APPROPRIATIONS. There is appropriated from the general fund
3 of the state to the department on aging for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amounts, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. To provide an additional local long-term care resident's
8 advocate to administer the certified volunteer long-term care
9 resident's advocate program pursuant to section 231.45:

10 \$ 97,000

11 2. For the certified volunteer long-term care resident's
12 advocate program as created pursuant to section 231.45:

13 \$ 13,000

14 EXPLANATION

15 This bill relates to the long-term care resident's advocate
16 program. The bill makes appropriations from the general fund
17 of the state to the department on aging. The bill appropriates
18 \$97,000 for an additional local long-term care resident's
19 advocate to administer the certified volunteer long-term care
20 resident's advocate program and \$13,000 for the certified
21 volunteer long-term care resident's advocate program.



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Senate File 37 - Introduced

SENATE FILE 37

BY BOLKCOM, HOGG, DVORSKY,
HATCH, McCOY, and QUIRMBACH

A BILL FOR

1 An Act requiring the use of safety helmets by certain young
2 persons operating motorized bicycles, and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1493XS (2) 85
dea/nh



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S.F. 37

1 Section 1. Section 321.275, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 9. *Motorized bicycle operators —*
4 *helmets.* A person who is under eighteen years of age shall wear
5 a properly adjusted and fastened safety helmet when operating
6 a motorized bicycle. The safety helmet shall be worn at all
7 times when the motorized bicycle is in motion. For purposes
8 of this subsection, "safety helmet" means a motorcycle safety
9 helmet that complies with the standards and specifications
10 established under 49 C.F.R. § 571.218.

11 Sec. 2. Section 805.8A, subsection 6, Code 2013, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *oc.* Section 321.275, subsection 9.....\$ 100.

14 EXPLANATION

15 This bill requires a person under 18 years of age to wear
16 a safety helmet when operating a motorized bicycle. The bill
17 specifies that the safety helmet must meet federal standards
18 for motorcycle helmets and must be worn by the driver at all
19 times when the motorized bicycle is in motion. A violation of
20 the helmet requirement is a simple misdemeanor punishable by a
21 scheduled fine of \$100.

22 Pursuant to current law, a violation of a requirement
23 for operation of a motorized bicycle qualifies as a moving
24 violation and, as such, is grounds for cancellation of the
25 person's license to operate a motorized bicycle. A person
26 whose license is canceled may reapply for a license after 30
27 days. If a person has an instruction permit or intermediate
28 driver's license, a conviction for a moving violation subjects
29 the permittee or licensee to remedial driver improvement action
30 and may be cause for suspension of the license or permit.
31 If the person has a special minor's license, or "school"
32 license, a conviction for a moving violation is grounds for
33 license suspension at the discretion of the department of
34 transportation, and two such violations result in mandatory
35 revocation of the license.

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Senate File 38 - Introduced

SENATE FILE 38

BY BOLKCOM, SODDERS, BEALL,
McCOY, JOCHUM, GRONSTAL,
QUIRMBACH, DEARDEN, HORN,
TAYLOR, HATCH, BRASE,
SENG, DANIELSON, DOTZLER,
DVORSKY, RAGAN, SCHOENJAHN,
and PETERSEN

A BILL FOR

1 An Act providing for standardized provisions and format and a
2 consumer guide for long-term care insurance policies and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/nh



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S.F. 38

1 Section 1. Section 514G.105, Code 2013, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. *Standard provisions and format.*

4 a. The commissioner shall adopt rules establishing standard
5 provisions for terms and benefits required to be included in a
6 long-term care insurance policy advertised, marketed, offered,
7 delivered, or issued for delivery in this state. The rules
8 shall establish a standard format for such long-term care
9 insurance policies to facilitate ease of comparison of the
10 various policies by consumers.

11 b. The commissioner shall review each policy of long-term
12 care insurance prior to the policy being advertised, marketed,
13 offered, delivered, or issued for delivery in this state to
14 ensure that the policy complies with the requirements of this
15 subsection and rules adopted pursuant to this subsection.

16 NEW SUBSECTION. 7A. *Consumer guide.*

17 a. A consumer guide, as prescribed by the commissioner
18 by rule, shall be delivered to a prospective applicant
19 for long-term care insurance at the time of the initial
20 solicitation for coverage.

21 (1) In the case of producer solicitations, a producer shall
22 deliver the consumer guide to a prospective applicant prior to
23 the presentation of an application or enrollment form.

24 (2) In the case of direct response solicitations, the
25 consumer guide shall be presented in conjunction with any
26 application or enrollment form.

27 (3) In the case of a policy issued to a group as described
28 in section 514G.103, subsection 9, paragraph "a", a consumer
29 guide is not required to be delivered to the applicant,
30 provided that the information described in paragraph "b" of this
31 subsection is contained in other enrollment materials provided.
32 Upon request such other enrollment materials shall be made
33 available to the commissioner.

34 b. The consumer guide shall include a description of the
35 standard terms, benefits, and format required for a long-term

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1 care insurance policy in this state. The commissioner of
2 insurance may by reference adopt or permit the use of the
3 long-term care insurance consumer guide developed by the
4 national association of insurance commissioners, the blue
5 cross and blue shield association, or the health insurance
6 association of America, provided that the consumer guide that
7 is adopted or permitted to be used by reference meets all of
8 the requirements of this subsection.

9 Sec. 2. APPLICABILITY. This Act applies to long-term care
10 insurance policies advertised, marketed, offered, delivered, or
11 issued for delivery in this state on or after July 1, 2013.

12 EXPLANATION

13 This bill requires the commissioner of insurance to adopt
14 rules establishing standard provisions for terms and benefits
15 required to be included in a long-term care insurance policy
16 advertised, marketed, offered, delivered, or issued for
17 delivery in this state. The rules must establish a standard
18 format for such policies so that consumers can easily compare
19 the various policies offered. The commissioner is required to
20 review each policy of long-term care insurance to ensure that
21 the policy complies with these requirements.

22 The bill also requires the commissioner to adopt rules
23 concerning a consumer guide to be delivered to prospective
24 applicants for long-term care insurance at the time of
25 solicitation, application, or enrollment. The guide must
26 include a description of the required standard terms, benefits,
27 and format in long-term care insurance policies in this state.
28 The commissioner may by reference adopt or permit the use
29 of a consumer guide developed by the national association
30 of insurance commissioners, the blue cross and blue shield
31 association, or the health insurance association of America, so
32 long as the guide meets all the requirements of the bill.

33 The bill is applicable to long-term care insurance policies
34 advertised, marketed, offered, delivered, or issued for
35 delivery in this state on or after July 1, 2013.

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Senate File 39 - Introduced

SENATE FILE 39
BY ZAUN

A BILL FOR

1 An Act providing a property assessment adjustment for certain
2 property of persons who have attained the age of sixty-five,
3 providing a penalty, and including retroactive and other
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1773XS (2) 85
md/sc



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S.F. 39

1 Section 1. NEW SECTION. **425B.1 Homestead assessed value**
2 **adjustment — purpose.**

3 Persons who own their homesteads and who meet the
4 qualifications provided in this chapter are eligible for an
5 adjustment in the assessed value of their homesteads, as
6 provided in this chapter, to prevent an increase in such
7 values.

8 Sec. 2. NEW SECTION. **425B.2 Definitions.**

9 As used in this chapter, unless the context otherwise
10 requires:

11 1. "*Assessed value*" means the actual value prior to any
12 adjustment pursuant to section 441.21, subsection 4.

13 2. "*Base assessment year*" means the assessment year
14 beginning in the base year.

15 3. "*Base year*" means the calendar year last ending before
16 the claim is filed.

17 4. "*Claimant*" means a person filing a claim for adjustment
18 under this chapter who has attained the age of sixty-five years
19 on or before December 31 of the base year and is domiciled in
20 this state at the time the claim is filed or at the time of the
21 person's death in the case of a claim filed by the executor or
22 administrator of the claimant's estate.

23 5. "*Homestead*" means the dwelling owned and actually used
24 as a home by the claimant during any part of the base year
25 and so much of the land surrounding it, including one or more
26 contiguous lots or tracts of land, as is reasonably necessary
27 for use of the dwelling as a home, and may consist of a part
28 of a multidwelling or multipurpose building and a part of the
29 land upon which it is built. It does not include personal
30 property except that a manufactured or mobile home may be
31 a homestead. Any dwelling or a part of a multidwelling or
32 multipurpose building which is exempt from taxation does not
33 qualify as a homestead under this chapter. A homestead must
34 be located in this state. When a person is confined in a
35 nursing home, extended-care facility, or hospital, the person

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1 shall be considered as occupying or living in the person's
2 homestead if the person is the owner of the homestead and the
3 person maintains the homestead and does not lease, rent, or
4 otherwise receive profits from other persons for the use of the
5 homestead.

6 6. "Owned" means owned by an owner as defined in section
7 425.11.

8 Sec. 3. NEW SECTION. 425B.3 Right to file a claim.

9 The right to file a claim for an assessed value adjustment
10 under this chapter may be exercised by the claimant or on
11 behalf of a claimant by the claimant's legal guardian, spouse,
12 or attorney, or by the executor or administrator of the
13 claimant's estate. If a claimant dies after having filed a
14 claim for adjustment, the amount of any adjustment shall be
15 made as if the claimant had not died.

16 Sec. 4. NEW SECTION. 425B.4 Claim for adjustment.

17 1. Subject to the limitations provided in this chapter,
18 a claimant may annually claim an adjustment of the assessed
19 value of the claimant's homestead for the base assessment year.
20 The adjustment claim shall be filed with the county assessor
21 between January 1 and February 15 immediately following
22 the close of the base assessment year. However, in case of
23 sickness, absence, or other disability of the claimant, or
24 if in the judgment of the county assessor good cause exists,
25 the county assessor may extend the time for filing a claim for
26 adjustment through June 30 of the same calendar year.

27 2. The county assessor shall notify the department of
28 revenue by March 1 of the number of claimants receiving
29 adjustments under this chapter and the total amount of the
30 reduced assessed values for the base assessment year.

31 Sec. 5. NEW SECTION. 425B.5 Adjustment — maximum tax
32 dollars levied.

33 If the claimant's assessed value in the base assessment year
34 prior to an adjustment under this chapter is less than one
35 hundred fifty thousand dollars or if the claimant's assessed



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1 value for the assessment year preceding the base assessment
2 year, if adjusted under this chapter, is less than one hundred
3 fifty thousand dollars, the assessed value of the claimant's
4 homestead in the base assessment year shall be adjusted, but
5 not increased, to equal the assessed value, as such assessed
6 value may have been adjusted pursuant to this chapter, in
7 the assessment year preceding the base assessment year. If
8 the amount of property taxes levied against the adjusted
9 assessment exceeds the amount of property taxes levied against
10 the property in the fiscal year for which taxes were first
11 levied against an adjusted assessment under this chapter, the
12 treasurer shall subtract the difference from the amount due.

13 Sec. 6. NEW SECTION. **425B.6 Administration.**

14 The director of revenue shall make available suitable forms
15 for claiming an assessed value adjustment with instructions
16 for claimants. Each assessor and county treasurer shall make
17 available the forms and instructions. The claim shall be in a
18 form as the director may prescribe.

19 Sec. 7. NEW SECTION. **425B.7 Proof of claim.**

20 1. Every claimant shall give the department of revenue, in
21 support of the claim, reasonable proof of:

22 a. Age.

23 b. Changes of homestead.

24 c. Size and nature of the property claimed as the homestead.

25 2. The director of revenue may require any additional proof
26 necessary to support a claim.

27 Sec. 8. NEW SECTION. **425B.8 Audit — denial.**

28 If on the audit of a claim for adjustment under this chapter,
29 the director of revenue determines the claim is not allowable,
30 the director shall notify the claimant of the denial and the
31 reasons for it. The director shall not deny a claim after
32 three years from October 31 of the year in which the claim was
33 filed. The director shall give notification to the county
34 assessor of the denial of the claim and the county assessor
35 shall instruct the county treasurer to proceed to collect the

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1 tax that would have been levied on the applicable adjusted
2 assessed value in the same manner as other property taxes
3 due and payable are collected, if the property on which the
4 adjustment was granted is still owned by the claimant.

5 Sec. 9. NEW SECTION. 425B.9 Waiver of confidentiality.

6 1. A claimant shall expressly waive any right to
7 confidentiality relating to all information available to the
8 county assessor who shall hold the information confidential
9 except that it may be used as evidence to disallow the assessed
10 value adjustment.

11 2. The department of revenue may release information
12 pertaining to a person's eligibility or claim for or receipt of
13 the assessed value adjustment to an employee of the department
14 of inspections and appeals in the employee's official conduct
15 of an audit or investigation.

16 Sec. 10. NEW SECTION. 425B.10 False claim — penalty.

17 A person who makes a false affidavit for the purpose of
18 obtaining an adjustment in assessed value provided for in
19 this chapter or who knowingly receives the adjustment without
20 being legally entitled to it or makes claim for the adjustment
21 in more than one county in the state without being legally
22 entitled to it is guilty of a fraudulent practice. The claim
23 for adjustment shall be disallowed in full and property tax
24 shall be levied on the disallowed adjustment at the rate that
25 would have been levied but for the adjustment. The director of
26 revenue shall send a notice of disallowance of the claim.

27 Sec. 11. NEW SECTION. 425B.11 Statutes applicable.

28 To the extent not otherwise contrary, the provisions of
29 sections 425.30, 425.31, 425.32, and 425.37 apply to this
30 chapter.

31 Sec. 12. APPLICABILITY. This Act applies retroactively to
32 January 1, 2013, for assessment years beginning on or after
33 that date and to the filing of claims on or after January 1,
34 2014, for adjustments of assessed values.

35

EXPLANATION

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1 This bill provides for an adjustment in the assessed value
2 of a homestead, as defined in the bill, if the owner is a
3 person who is 65 or older. The bill also limits the adjustment
4 in assessed value to homesteads that have certain assessed
5 valuations of less than \$150,000. If those qualifications are
6 met, the assessed value of the homestead upon which property
7 taxes are levied in a fiscal year is the same assessed value as
8 for the previous fiscal year. The bill specifies that assessed
9 value is that value prior to any rollback being applied.

10 The bill provides that a person who makes a false affidavit
11 for the purpose of obtaining an adjustment, knowingly receives
12 the adjustment without being legally entitled to it, or makes
13 claim for the adjustment in more than one county without being
14 legally entitled to it is guilty of a fraudulent practice and
15 is subject to a criminal penalty.

16 The bill applies retroactively to January 1, 2013, for
17 assessment years beginning on or after that date and applies to
18 claims filed on or after January 1, 2014, for the adjustments.



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Senate File 40 - Introduced

SENATE FILE 40
BY ZAUN

A BILL FOR

1 An Act imposing a moratorium on the issuance of licenses for
2 gambling games and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1776XS (2) 85
ec/nh



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S.F. 40

1 Section 1. **NEW SECTION. 99F.4E Moratorium for issuance of**
2 **licenses for gambling games.**

3 1. Commencing January 1, 2013, the commission shall not
4 issue a license to conduct gambling games on an excursion
5 gambling boat, gambling structure, or at a pari-mutuel
6 racetrack pursuant to this chapter.

7 2. This section does not affect the validity of a license
8 issued by the commission pursuant to this chapter before
9 January 1, 2013, or the authority of the commission to suspend,
10 revoke, transfer, or renew a license issued before January 1,
11 2013, pursuant to chapter 99D or this chapter.

12 Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 Sec. 3. **RETROACTIVE APPLICABILITY.** This Act applies
15 retroactively to January 1, 2013.

16 **EXPLANATION**

17 This bill establishes a moratorium preventing the racing
18 and gaming commission from issuing a new license to conduct
19 gambling games on an excursion gambling boat, gambling
20 structure, or at a pari-mutuel racetrack on and after
21 January 1, 2013. The bill takes effect upon enactment and is
22 retroactively applicable to January 1, 2013.



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Senate File 41 - Introduced

SENATE FILE 41
BY ZAUN

A BILL FOR

1 An Act relating to public employers providing office space to
2 employee organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1770XS (1) 85
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S.F. 41

1 Section 1. NEW SECTION. 20.26A Employee organizations —
2 office space.

3 A public employer shall not provide an employee organization
4 with office space under the control of the public employer
5 at a cost that is less than the market value of a lease for
6 comparable office space.

7 EXPLANATION

8 This bill provides that a public employer shall not provide
9 office space to an employee organization at a rate less than
10 market value.



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Senate File 42 - Introduced

SENATE FILE 42
BY ZAUN

A BILL FOR

1 An Act requesting establishment of an interim study committee
2 on automobile insurance direct repair programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 42

1 Section 1. INTERIM STUDY COMMITTEE — AUTOMOBILE INSURANCE
2 DIRECT REPAIR PROGRAMS.

3 1. The legislative council is requested to establish an
4 interim study committee to study direct repair programs used by
5 some automobile insurance companies to provide repairs for the
6 insurance company's claimants. The study shall include but is
7 not limited to a review and analysis of the use of such direct
8 repair programs by the automobile insurance industry in Iowa
9 and the effect of the use of such programs on automotive body
10 repair shops, insurance costs, and Iowa consumers. In addition
11 to legislative members, the membership of the interim study
12 committee shall include the following public members:

13 a. Three consumers, one designated by the insurance
14 consumer advocate, one designated by the Iowa citizen action
15 network, and one designated by abate of Iowa, incorporated.

16 b. Four members who represent automotive body repair shops
17 in the state, two designated by the national federation of
18 independent business, and two designated by the association of
19 business and industry.

20 c. Four members from the automobile insurance industry
21 designated by the federation of Iowa insurers.

22 2. The committee shall meet twice during the 2013
23 legislative interim and shall submit findings and any
24 recommendations in a report to the general assembly by January
25 1, 2014.

26 EXPLANATION

27 This bill requests that the legislative council establish an
28 interim study committee to study direct repair programs used
29 by some automobile insurance companies to provide repairs for
30 the insurance company's claimants. The study shall include a
31 review and analysis of the use of such programs in Iowa and
32 their effect on automotive body repair shops, insurance costs,
33 and Iowa consumers. In addition to legislative members, the
34 membership of the committee shall include 11 public members
35 designated by specified entities.

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S.F. 42

1 The committee shall meet twice during the 2013 legislative
2 interim and submit its findings and any recommendations to the
3 general assembly by January 1, 2014.



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Senate File 43 - Introduced

SENATE FILE 43
BY ZAUN

A BILL FOR

1 An Act relating to verification of social security numbers for
2 public programs under the purview of the department of human
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1798XS (1) 85
pf/nh



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S.F. 43

1 Section 1. VERIFICATION OF SOCIAL SECURITY NUMBERS —
2 DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The department
3 of human services shall adopt rules to require that any
4 program supported by public funds under the department of human
5 services shall require verification by state or local staff,
6 as applicable, of the social security number of any applicant
7 for program services. The department shall incorporate the
8 verification requirement into all application processes in the
9 most cost-effective manner.

10 EXPLANATION

11 This bill requires the department of human services to adopt
12 rules to require that any program supported by public funds
13 under the purview of the department require verification by
14 state or local staff, as applicable, of the social security
15 number of any applicant for program services. The department
16 is directed to incorporate the verification requirement into
17 all application processes in the most cost-effective manner.



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Senate File 44 - Introduced

SENATE FILE 44

BY ZAUN, JOHNSON, SEGEBART,
SINCLAIR, BOETTGER,
KAPUCIAN, ZUMBACH,
CHELGREN, WHITVER, and
FEENSTRA

A BILL FOR

1 An Act relating to the use of revenues from automated traffic
2 law enforcement programs and establishing an uninsured,
3 hit-and-run, and underinsured motor vehicle coverage trust
4 fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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1 Section 1. Section 331.307, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Notwithstanding any other provision
4 of law, civil fines collected by a county from the use of an
5 automated traffic law enforcement system shall be allocated as
6 follows:

7 (1) The amount necessary to satisfy contractual obligations
8 of the county relating to the use of automated traffic law
9 enforcement systems shall be retained by the county for that
10 purpose.

11 (2) Moneys in excess of the amount necessary for the purpose
12 specified in subparagraph (1) shall be forwarded monthly to the
13 treasurer of state for deposit in the uninsured, hit-and-run,
14 and underinsured motor vehicle coverage trust fund created in
15 section 516A.6.

16 *b.* For purposes of this subsection, "*automated traffic law*
17 *enforcement system*" means a device with one or more sensors
18 working in conjunction with a traffic control signal or device
19 or a speed-measuring device to produce recorded images of
20 vehicles being operated in violation of traffic or speed laws.

21 Sec. 2. Section 364.3, subsection 2, Code 2013, is amended
22 to read as follows:

23 2. For a violation of an ordinance, a city shall not
24 provide a penalty in excess of the maximum fine and term of
25 imprisonment for a simple misdemeanor under section 903.1,
26 subsection 1, paragraph "a". Am Except as otherwise provided
27 in this section, an amount equal to ten percent of all
28 fines collected by cities shall be deposited in the account
29 established in section 602.8108. ~~However, one~~

30 a. One hundred percent of all fines collected by a city
31 pursuant to section 321.236, subsection 1, shall be retained
32 by the city.

33 b. Civil fines collected by a city from the use of an
34 automated traffic law enforcement system shall be allocated as
35 follows:

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1 (1) The amount necessary to satisfy contractual obligations
2 of the city relating to the use of automated traffic law
3 enforcement systems shall be retained by the city for that
4 purpose.

5 (2) Moneys in excess of the amount necessary for the purpose
6 specified in subparagraph (1) shall be forwarded monthly to the
7 treasurer of state for deposit in the uninsured, hit-and-run,
8 and underinsured motor vehicle coverage trust fund created in
9 section 516A.6.

10 (3) For purposes of this subsection, "automated traffic law
11 enforcement system" means a device with one or more sensors
12 working in conjunction with a traffic control signal or device
13 or a speed-measuring device to produce recorded images of
14 vehicles being operated in violation of traffic or speed laws.

15 c. The criminal penalty surcharge required by section 911.1
16 shall be added to a city fine and is not a part of the city's
17 penalty.

18 Sec. 3. NEW SECTION. 516A.6 Uninsured, hit-and-run, and
19 underinsured motor vehicle coverage trust fund.

20 1. An uninsured, hit-and-run, and underinsured motor
21 vehicle coverage trust fund is created in the state treasury
22 under the control of the commissioner of insurance. The
23 fund shall consist of any moneys appropriated by the general
24 assembly and any revenues credited to the fund pursuant to
25 section 331.307, subsection 14, and section 364.3, subsection
26 2. Moneys in the fund are not subject to section 8.33.
27 Notwithstanding section 12C.7, subsection 2, interest or
28 earnings on moneys deposited in the fund shall be credited to
29 the fund.

30 2. Moneys in the uninsured, hit-and-run, and underinsured
31 motor vehicle coverage trust fund shall be used to reimburse
32 insurers for the payment of claims under uninsured or
33 hit-and-run motor vehicle coverage and underinsured motor
34 vehicle coverage issued pursuant to section 516A.1.

35 3. The commissioner of insurance shall administer a

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1 program for the reimbursement of insurers for claims paid
2 under uninsured or hit-and-run motor vehicle coverage and
3 underinsured motor vehicle coverage issued pursuant to section
4 516A.1. The commissioner of insurance shall adopt rules
5 establishing a process by which insurers may qualify for and
6 apply for reimbursement from the fund. The commissioner
7 may establish a limit on the amount that may be awarded for
8 reimbursement for any claim in order to make the distribution
9 of reimbursement payments as equitable as possible among
10 eligible insurers.

11 EXPLANATION

12 This bill creates an uninsured, hit-and-run, and
13 underinsured motor vehicle coverage trust fund under the
14 control of the commissioner of insurance. Moneys in the
15 fund are to be used to reimburse insurers for claims paid
16 under uninsured or hit-and-run motor vehicle coverage and
17 underinsured motor vehicle coverage provided with motor vehicle
18 liability insurance policies. The bill directs the insurance
19 commissioner to adopt administrative rules establishing
20 a process by which insurers may qualify and apply for
21 reimbursement from the fund. In order to make the distribution
22 of payments as equitable as possible among insurers, the
23 commissioner is authorized to establish a limit on the amount
24 of reimbursement allowed for any claim.

25 Under the bill, the source of revenue for the uninsured,
26 hit-and-run, and underinsured motor vehicle coverage trust fund
27 is the revenue derived by cities and counties from automated
28 traffic law enforcement programs. The bill directs that, from
29 the civil fines collected by a city or county from the use of
30 automated traffic law enforcement systems, the amount necessary
31 to satisfy the contractual obligations relating to the use of
32 the systems shall be retained by the city or county. Moneys
33 in excess of that amount are to be forwarded monthly to the
34 treasurer of state for deposit in the uninsured, hit-and-run,
35 and underinsured motor vehicle coverage trust fund.



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Senate File 45 - Introduced

SENATE FILE 45

BY ZAUN, JOHNSON, SEGEBART,
HOUSER, BEHN, SINCLAIR,
BREITBACH, BERTRAND,
CHELGREN, KAPUCIAN,
WHITVER, and FEENSTRA

A BILL FOR

1 An Act relating to abortions including prohibiting late-term
2 abortions with certain exceptions, providing penalties, and
3 including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. FINDINGS. The general assembly finds all of the
2 following:

3 1. Abortion can cause serious short-term and long-term
4 physical and psychological complications for women including
5 but not limited to uterine perforation, uterine scarring,
6 cervical perforation or other injury, infection, bleeding,
7 hemorrhage, blood clots, failure to actually terminate the
8 pregnancy, incomplete abortion or retained tissue, pelvic
9 inflammatory disease, endometritis, missed ectopic pregnancy,
10 cardiac arrest, respiratory arrest, renal failure, metabolic
11 disorder, shock, embolism, coma, placenta previa in subsequent
12 pregnancies, preterm delivery in subsequent pregnancies,
13 free fluid in the abdomen, organ damage, adverse reactions
14 to anesthesia and other drugs, psychological or emotional
15 complications such as depression, anxiety, sleeping disorders,
16 and death.

17 2. Abortion has a higher medical risk when the procedure is
18 performed later in the pregnancy. Compared to an abortion at
19 eight weeks' gestation or earlier, the relative risk increases
20 exponentially at higher gestations. The incidence of major
21 complications is highest after twenty weeks of gestation.

22 3. The state has a legitimate concern for the public's
23 health and safety.

24 4. The state has a legitimate interest from the outset
25 of pregnancy in protecting the health of the woman. More
26 specifically, the state has a legitimate concern with the
27 health of women who undergo abortions.

28 5. There is substantial evidence that by at least twenty
29 weeks after fertilization, an unborn child has the physical
30 structures necessary to experience pain.

31 6. There is substantial evidence that by twenty weeks
32 after fertilization, an unborn child seeks to evade certain
33 stimuli in a manner which, in an infant or an adult, would be
34 interpreted as a response to pain.

35 7. Anesthesia is routinely administered to an unborn child

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1 twenty weeks or more after fertilization when the unborn child
2 undergoes prenatal surgery.

3 8. Even before twenty weeks after fertilization, the unborn
4 child has been observed to exhibit hormonal stress responses to
5 painful stimuli, and a reduction in such response results when
6 pain medication is administered directly to the unborn child.

7 9. It is the purpose of the state of Iowa to assert a
8 compelling state interest in protecting the unborn child from
9 the stage at which substantial medical evidence indicates the
10 unborn child is capable of feeling pain.

11 Sec. 2. NEW SECTION. 146A.1 Definitions.

12 As used in this chapter unless the context otherwise
13 requires:

14 1. "Abortion" means abortion as defined in section 146.1.

15 2. "Attempt to perform or induce an abortion" means an act,
16 or an omission of a statutorily required act, that, under the
17 circumstances as the actor believes them to be, constitutes a
18 substantial step in a course of conduct planned to culminate in
19 the performance or inducing of an abortion.

20 3. "Department" means the department of public health.

21 4. "Fertilization" means the fusion of a human spermatozoon
22 with a human ovum.

23 5. "Human pregnancy" means an individual organism of the
24 species homo sapiens from fertilization until live birth.

25 6. "Medical emergency" means a condition which, in
26 reasonable medical judgment, so complicates the medical
27 condition of a pregnant woman as to necessitate the immediate
28 abortion of the human pregnancy to avert the woman's death or
29 for which a delay will create a serious risk of substantial and
30 irreversible physical impairment of a major bodily function.
31 "Medical emergency" does not include a condition which is based
32 on a claim or diagnosis that the pregnant woman will engage in
33 conduct which would result in the pregnant woman's death or in
34 substantial and irreversible physical impairment of a major
35 bodily function.



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1 7. *"Medical facility"* means any public or private hospital,
2 clinic, center, medical school, medical training institution,
3 health care facility, physician's office, infirmary,
4 dispensary, ambulatory surgical center, or other institution or
5 location where medical care is provided to any person.

6 8. *"Physician"* means a person licensed under chapter 148.

7 9. *"Postfertilization age"* means the age of the human
8 pregnancy as calculated from the fertilization of the human
9 ovum.

10 10. *"Probable postfertilization age"* means what, in
11 reasonable medical judgment, will with reasonable probability
12 be the postfertilization age of the human pregnancy at the time
13 the abortion is to be performed.

14 11. *"Reasonable medical judgment"* means a medical judgment
15 made by a reasonably prudent physician who is knowledgeable
16 about the case and the treatment possibilities with respect to
17 the medical conditions involved.

18 12. *"Unborn child"* means a human pregnancy in the
19 postembryonic stage.

20 Sec. 3. NEW SECTION. 146A.2 Determination of
21 postfertilization age — abortion prohibited twenty or more weeks
22 postfertilization — exceptions — reporting requirements —
23 penalties.

24 1. Except in the case of a medical emergency, an abortion
25 shall not be performed or induced or be attempted to be
26 performed or induced unless the physician performing or
27 inducing the abortion has first made a determination of the
28 probable postfertilization age of the human pregnancy or relied
29 upon such a determination made by another physician. In making
30 such a determination, a physician shall make such inquiries
31 of the pregnant woman and perform or cause to be performed
32 such medical examinations and tests the physician considers
33 necessary in making a reasonable medical judgment to accurately
34 determine the postfertilization age of the human pregnancy.

35 2. a. A physician shall not perform or induce or attempt

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1 to perform or induce an abortion upon a pregnant woman when it
2 has been determined, by the physician performing or inducing
3 the abortion or by another physician upon whose determination
4 that physician relies, that the probable postfertilization age
5 of the human pregnancy is twenty or more weeks unless, in the
6 physician's reasonable medical judgment, any of the following
7 applies:

8 (1) The pregnant woman has a condition which the physician
9 deems a medical emergency.

10 (2) It is necessary to preserve the life of the unborn
11 child.

12 b. If an abortion is performed or induced under this
13 subsection, the physician shall terminate the human pregnancy
14 in the manner which, in the physician's reasonable medical
15 judgment, provides the best opportunity for the unborn child
16 to survive, unless, in the physician's reasonable medical
17 judgment, termination of the human pregnancy in that manner
18 would pose a greater risk than any other available method of
19 the death of the pregnant woman or of the substantial and
20 irreversible physical impairment of a major bodily function.
21 A greater risk shall not be deemed to exist if it is based on
22 a claim or diagnosis that the pregnant woman will engage in
23 conduct which would result in the pregnant woman's death or in
24 substantial and irreversible physical impairment of a major
25 bodily function.

26 3. A physician who performs or induces or attempts to
27 perform or induce an abortion shall report to the department,
28 on a schedule and in accordance with forms and rules adopted by
29 the department, all of the following:

30 a. If a determination of probable postfertilization age of
31 the human pregnancy was made, the probable postfertilization
32 age determined and the method and basis of the determination.

33 b. If a determination of probable postfertilization
34 age of the human pregnancy was not made, the basis of the
35 determination that a medical emergency existed.

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1 *c.* If the probable postfertilization age of the human
2 pregnancy was determined to be twenty or more weeks, the basis
3 of the determination of a medical emergency.

4 *d.* The method used for the abortion and, in the case of
5 an abortion performed when the probable postfertilization age
6 was determined to be twenty or more weeks, whether the method
7 of abortion used was one that, in the physician's reasonable
8 medical judgment, provided the best opportunity for the unborn
9 child to survive or, if such a method was not used, the basis
10 of the determination that termination of the human pregnancy
11 in that manner would pose a greater risk than would any other
12 available method of the death of the pregnant woman or of the
13 substantial and irreversible physical impairment of a major
14 bodily function.

15 4. *a.* By June 30, annually, the department shall issue a
16 public report providing statistics for the previous calendar
17 year, compiled from the reports for that year submitted in
18 accordance with subsection 3. Each report shall also provide
19 the statistics for all previous calendar years, adjusted to
20 reflect any additional information from late or corrected
21 reports. The department shall ensure that none of the
22 information included in the public reports could reasonably
23 lead to the identification of any woman upon whom an abortion
24 was performed.

25 *b.* (1) A physician who fails to submit a report by the end
26 of thirty days following the due date shall be subject to a
27 late fee of five hundred dollars for each additional thirty-day
28 period or portion of a thirty-day period the report is overdue.

29 (2) A physician required to report in accordance with
30 subsection 3 who has not submitted a report or who has
31 submitted only an incomplete report more than one year
32 following the due date, may, in an action brought in the
33 manner in which actions are brought to enforce chapter 148,
34 be directed by a court of competent jurisdiction to submit a
35 complete report within a time period stated by court order or



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1 be subject to contempt of court.

2 (3) A physician who intentionally or recklessly falsifies
3 a report required under this section is subject to a civil
4 penalty of one hundred dollars.

5 5. The department shall adopt rules to implement this
6 section.

7 Sec. 4. NEW SECTION. 146A.3 Civil and criminal actions
8 — penalties.

9 1. Failure of a physician to comply with any provision of
10 section 146A.2, with the exception of the late filing of a
11 report or failure to submit a complete report in compliance
12 with a court order, is grounds for license discipline under
13 chapter 148.

14 2. A physician who intentionally or recklessly performs or
15 attempts to perform an abortion in violation of this chapter is
16 guilty of a class "C" felony.

17 3. A medical facility licensed in this state in which
18 abortions are performed or induced in violation of this chapter
19 is subject to immediate revocation of licensure.

20 4. A medical facility licensed in this state in which
21 abortions are performed or induced in violation of this chapter
22 is ineligible to receive state funding and is subject to
23 repayment of any state funds received from the state during the
24 time after which an abortion in violation of this chapter was
25 performed or induced.

26 5. A woman upon whom an abortion has been performed in
27 violation of this chapter or the biological father may maintain
28 an action against the physician who performed the abortion in
29 intentional or reckless violation of this chapter for actual
30 damages.

31 6. A woman upon whom an abortion has been attempted in
32 violation of this chapter may maintain an action against the
33 physician who attempted to perform the abortion in intentional
34 or reckless violation of this chapter for actual damages.

35 7. A cause of action for injunctive relief to prevent a



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1 physician from performing abortions may be maintained against a
2 physician who has intentionally violated this chapter by the
3 woman upon whom the abortion was performed or attempted to be
4 performed, by the spouse of the woman, by a parent or guardian
5 of the woman if the woman is less than eighteen years of age or
6 unmarried at the time the abortion was performed or attempted
7 to be performed, by a current or former licensed health care
8 provider of the woman, by a county attorney with appropriate
9 jurisdiction, or by the attorney general.

10 8. A woman upon whom an abortion was performed or was
11 attempted to be performed shall not be subject to prosecution
12 for a violation of this chapter.

13 9. If the plaintiff prevails in an action brought under
14 this section, the plaintiff shall be entitled to an award for
15 reasonable attorney fees.

16 10. If the defendant prevails in an action brought under
17 this section and the court finds that the plaintiff's suit was
18 frivolous and brought in bad faith, the defendant shall be
19 entitled to an award for reasonable attorney fees.

20 11. Damages and attorney fees shall not be assessed against
21 the woman upon whom an abortion was performed or attempted to
22 be performed except as provided in subsection 10.

23 12. In a civil or criminal proceeding or action brought
24 under this chapter, the court shall rule whether the anonymity
25 of any woman upon whom an abortion has been performed or
26 attempted shall be preserved from public disclosure if the
27 woman does not provide consent to such disclosure. The court,
28 upon motion or on its own motion, shall make such a ruling
29 and, upon determining that the woman's anonymity should be
30 preserved, shall issue orders to the parties, witnesses,
31 and counsel and shall direct the sealing of the record and
32 exclusion of individuals from courtrooms or hearing rooms to
33 the extent necessary to safeguard the woman's identity from
34 public disclosure. Each such order shall be accompanied by
35 specific written findings explaining why the anonymity of the

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1 woman should be preserved from public disclosure, why the
2 order is essential to that end, how the order is narrowly
3 tailored to serve that interest, and why no reasonable less
4 restrictive alternative exists. In the absence of written
5 consent of the woman upon whom an abortion has been performed
6 or attempted, anyone, other than a public official, who brings
7 an action under this section shall do so under a pseudonym.
8 This subsection shall not be construed to conceal the identity
9 of the plaintiff or of witnesses from the defendant or from
10 attorneys for the defendant.

11 Sec. 5. NEW SECTION. 146A.4 Construction.

12 1. Nothing in this chapter shall be construed as creating or
13 recognizing a right to an abortion.

14 2. Nothing in this chapter shall be construed as determining
15 life to begin at twenty weeks' gestation. Instead, it is
16 recognized that life begins at conception.

17 Sec. 6. NEW SECTION. 146A.5 Severability clause.

18 If any provision of this chapter or its application to any
19 person or circumstance is held invalid, the invalidity does
20 not affect other provisions or application of this chapter
21 which can be given effect without the invalid provision or
22 application, and to this end the provisions of this chapter are
23 severable.

24 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
25 immediate importance, takes effect upon enactment.

26 EXPLANATION

27 This bill relates to abortions. The bill provides findings
28 of the general assembly and definitions.

29 The bill provides that, except in the case of a medical
30 emergency, an abortion shall not be performed or induced
31 or be attempted to be performed or induced unless the
32 physician performing or inducing the abortion has first made
33 a determination of the probable postfertilization age of the
34 human pregnancy. Additionally, the bill prohibits a physician
35 from performing or inducing or attempting to perform or induce

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1 an abortion upon a pregnant woman when it has been determined,
2 that the probable postfertilization age is 20 or more weeks
3 unless, in the physician's reasonable medical judgment, either
4 the pregnant woman has a condition which the physician deems a
5 medical emergency or it is necessary to preserve the life of
6 the unborn child. If an abortion is performed or induced when
7 the probable postfertilization age is 20 or more weeks, the
8 physician is required to terminate the pregnancy in a manner
9 which, in the physician's reasonable medical judgment, provides
10 the best opportunity for the unborn child to survive unless
11 such termination would pose a greater risk either of the death
12 of the pregnant woman or of the substantial and irreversible
13 physical impairment of a major bodily function of the woman
14 than would another available method.

15 The bill also requires certain reports to be filed by a
16 physician who performs or induces or attempts to perform or
17 induce an abortion with the department of public health, on
18 a schedule and in accordance with forms and rules adopted by
19 the department. The department is required to compile the
20 information collected annually and issue a public report,
21 ensuring that none of the information included in the public
22 reports could reasonably lead to the identification of any
23 pregnant woman upon whom an abortion was performed. The bill
24 provides monetary penalties for a physician who fails to submit
25 a report in a timely manner, submits an incomplete report, or
26 intentionally or recklessly falsifies a required report.

27 The bill provides for civil and criminal actions and
28 penalties relating to violations of the bill. Failure of a
29 physician to comply with any provision, with the exception of
30 the late filing of a report or failure to submit a complete
31 report in compliance with a court order, is grounds for license
32 discipline. A physician who intentionally or recklessly
33 performs or attempts to perform an abortion in violation of the
34 bill is guilty of a class "C" felony, which is punishable by
35 confinement for no more than 10 years and a fine of at least



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1 \$1,000 but not more than \$10,000. The bill also provides that
2 a medical facility licensed in the state in which abortions
3 are performed or induced in violation of the bill is subject
4 to immediate revocation of licensure. Additionally, a
5 medical facility licensed in this state in which abortions are
6 performed or induced in violation of the bill is ineligible to
7 receive state funding and is subject to repayment of any state
8 funds received from the state during the time after which an
9 abortion in violation of the bill was performed or induced.
10 However, the woman upon whom the abortion was performed or was
11 attempted to be performed is not subject to prosecution for a
12 violation of the bill. The bill provides for the maintaining
13 of actions by certain people based on alleged violations of
14 the bill. A woman upon whom an abortion has been performed in
15 violation of the bill or the biological father may maintain
16 an action against the physician who performed the abortion
17 in intentional or reckless violation of the bill for actual
18 damages. A woman upon whom an abortion has been attempted
19 in violation of the bill may maintain an action against the
20 physician who attempted to perform the abortion in intentional
21 or reckless violation of the bill for actual damages.
22 Additionally, a cause of action for injunctive relief to
23 prevent a physician from performing abortions may be maintained
24 against a physician who has intentionally violated the bill by
25 the woman upon whom the abortion was performed or attempted
26 to be performed, by the spouse of the woman, by a parent or
27 guardian of the woman if the woman is less than 18 years of
28 age or unmarried at the time the abortion was performed or
29 attempted to be performed, by a current or former licensed
30 health care provider of the woman, by a county attorney with
31 appropriate jurisdiction, or by the attorney general.
32 The bill provides a process for preserving the anonymity of
33 the woman upon whom an abortion has been performed or attempted
34 from public disclosure if the woman does not provide consent to
35 such disclosure during any proceeding or action under the bill.

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1 The bill also provides that the bill is not to be construed
2 as creating or recognizing a right to an abortion, and the
3 bill is not to be construed as determining life to begin at 20
4 weeks' gestation; instead, it is recognized that life begins
5 at conception.

6 The bill includes a severability clause as is applicable to
7 every Act or statute pursuant to Code section 4.12.

8 The bill takes effect upon enactment.



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Senate File 46 - Introduced

SENATE FILE 46
BY ZAUN

A BILL FOR

1 An Act relating to the sale or lease of the Iowa communications
2 network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 46

1 Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS
2 NETWORK. The Iowa telecommunications and technology commission
3 shall implement a request for proposals process to sell
4 or lease the Iowa communications network. The request for
5 proposals shall provide for the sale to be concluded or the
6 lease to commence during the fiscal year beginning July 1,
7 2013. The commission shall condition the sale or lease of the
8 Iowa communications network with terms that will allow existing
9 authorized users of the network to continue such use at a
10 lower overall long-term cost when compared to the anticipated
11 operation and maintenance costs if state ownership and control
12 were to continue. The commission shall submit periodic status
13 reports to the general assembly at three-month intervals,
14 beginning on October 1, 2013, regarding progress made toward
15 selling or leasing the network.

16 EXPLANATION

17 This bill directs the Iowa telecommunications and technology
18 commission to implement a request for proposals process to sell
19 or lease the Iowa communications network, with the sale to be
20 concluded or lease to commence during the fiscal year beginning
21 July 1, 2013. The bill specifies that the sale or lease must
22 allow existing authorized users of the network to continue
23 use at a lower overall long-term cost when compared to the
24 anticipated operation and maintenance costs if state ownership
25 and control were to continue. The bill requires the commission
26 to submit status reports to the general assembly every three
27 months, beginning October 1, 2013, regarding progress made
28 toward selling or leasing the network.



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Senate File 47 - Introduced

SENATE FILE 47
BY ZAUN

A BILL FOR

1 An Act relating to unfunded federal mandates related to federal
2 health care reforms and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 1.19 Federal health care reforms**
2 **— unfunded federal mandates.**

3 1. It is the intent of the general assembly to affirm the
4 power of this state under the Tenth Amendment to the United
5 States Constitution to exercise those powers reserved to the
6 states including but not limited to providing state-based
7 regulation of the health insurance market, providing aggressive
8 oversight of all aspects of this market, and enforcing consumer
9 protection as well as ensuring a local, responsive presence for
10 Iowa consumers.

11 2. If, on or after the effective date of this Act, the
12 United States Congress enacts, effectuates, or otherwise
13 imposes a mandate that requires the state to engage in any
14 new activity, to provide any new service, or to provide any
15 service beyond that required by any law enacted or requirement
16 otherwise imposed prior to the effective date of this Act
17 related to regulation of the health insurance market, and the
18 United States Congress does not appropriate moneys to fully
19 fund the cost of the mandate or other requirement, the state is
20 not required to perform the activity or provide the service and
21 the state shall not be subject to the imposition of any fines
22 or penalties for failure to comply with the federal mandate or
23 other requirement.

24 Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
25 immediate importance, takes effect upon enactment.

26 **EXPLANATION**

27 This bill affirms the intent of the general assembly to
28 exercise those powers reserved to the states, including
29 but not limited to providing state-based regulation of the
30 health insurance market, providing aggressive oversight of
31 this market, and enforcing consumer protection and a local,
32 responsive presence for Iowa consumers.

33 The bill provides that if the United States Congress enacts,
34 effectuates, or otherwise imposes a mandate that requires
35 the state to engage in any new activity or provide any new

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1 or expanded service and does not appropriate moneys to fully
2 fund the cost of the mandate or other requirement, the state
3 is not required to perform the activity or provide the service
4 and shall not be subject to the imposition of any fines or
5 penalties for failure to do so. The bill is effective upon
6 enactment.



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Senate File 48 - Introduced

SENATE FILE 48
BY WILHELM

A BILL FOR

1 An Act requiring background checks for school employees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/nh



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1 Section 1. NEW SECTION. 279.69 School employees —
2 background investigations.

3 1. Prior to hiring an applicant for a school employee
4 position, a school district shall have access to and shall
5 review the information in the Iowa court information system
6 available to the general public, the sex offender registry
7 information under section 692A.121 available to the general
8 public, the central registry for child abuse information
9 established under section 235A.14, and the central registry for
10 dependent adult abuse information established under section
11 235B.5 for information regarding the applicant. A school
12 district shall follow the same procedure every five years
13 upon the anniversary of a school employee's date of hire. A
14 school district shall pay for the cost of the registry checks
15 conducted pursuant to this subsection. A school district shall
16 maintain documentation demonstrating compliance with this
17 subsection.

18 2. Being listed in the sex offender registry established
19 under chapter 692A, the central registry for child abuse
20 information established under section 235A.14, or the central
21 registry for dependent adult abuse information established
22 under section 235B.5 shall constitute grounds for the immediate
23 suspension from duties of a school employee, pending a
24 termination hearing by the board of directors of a school
25 district. A termination hearing conducted pursuant to this
26 subsection shall be limited to the question of whether the
27 school employee was incorrectly listed in the registry.

28 3. For purposes of this section, "school employee" means
29 an individual employed by a school district, including a
30 part-time, substitute, or contract employee. "School employee"
31 does not include an individual subject to a background
32 investigation pursuant to section 272.2, subsection 17, section
33 279.13, subsection 1, paragraph "b", or section 321.375,
34 subsection 2.

35 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance

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1 with section 25B.2, subsection 3, the state cost of requiring
2 compliance with any state mandate included in this Act shall
3 be paid by a school district from state school foundation aid
4 received by the school district under section 257.16. This
5 specification of the payment of the state cost shall be deemed
6 to meet all of the state funding-related requirements of
7 section 25B.2, subsection 3, and no additional state funding
8 shall be necessary for the full implementation of this Act
9 by and enforcement of this Act against all affected school
10 districts.

11 EXPLANATION

12 This bill requires a school district to review the state sex
13 offender registry, the state central registry for child abuse
14 information, and the state central registry for dependent adult
15 abuse information for information regarding any applicant for
16 a school employee position before an applicant is hired. The
17 bill requires a school district to follow the same procedure
18 every five years upon the anniversary of a school employee's
19 date of hire. The bill requires a school district to pay for
20 the cost of the registry checks conducted pursuant to the bill.
21 The bill requires a school district to document compliance with
22 the bill.

23 The bill establishes listing on the state sex offender
24 registry, the state central registry for child abuse
25 information, or the state central registry for dependent adult
26 abuse information as grounds for which a school employee is to
27 be immediately suspended, pending a termination hearing by the
28 board of directors of a school district. The bill specifies
29 that such a termination hearing is to be limited to the
30 question of whether a school employee was incorrectly listed in
31 one of the registries.

32 The bill defines "school employee" as an individual employed
33 by a school district, including a part-time, substitute, or
34 contract employee. The bill provides that "school employee"
35 does not include an individual subject to a background

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1 information check pursuant to Code section 272.2, subsection
2 17, Code section 279.13, subsection 1, paragraph "b", or Code
3 section 321.375, subsection 2.

4 The bill may include a state mandate as defined in Code
5 section 25B.3. The bill requires that the state cost of
6 any state mandate included in the bill be paid by a school
7 district from state school foundation aid received by the
8 school district under Code section 257.16. The specification
9 is deemed to constitute state compliance with any state mandate
10 funding-related requirements of Code section 25B.2. The
11 inclusion of this specification is intended to reinstate the
12 requirement of political subdivisions to comply with any state
13 mandates included in the bill.



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Senate File 49 - Introduced

SENATE FILE 49
BY McCOY

A BILL FOR

1 An Act requiring radon testing and mitigation in schools.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 280.30 Radon testing and
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means
4 a test approved by the department of public health in which a
5 testing device remains in an area for not less than two days
6 and not more than ninety days to determine the amount of radon
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district and
9 the authorities in charge of each nonpublic school shall have
10 a short-term test for radon gas and radon progeny performed
11 at each school site under its control at least once every two
12 years, unless otherwise provided by subsection 5.

13 3. If the results of a test at a school site are at or above
14 four picocuries per liter, the board of directors of the public
15 school district or the authorities in charge of the nonpublic
16 school shall have a second short-term test for radon gas and
17 radon progeny performed at the school site within ninety days
18 of the first short-term test.

19 4. If the results of a second test at a school site pursuant
20 to subsection 3 are at or above four picocuries per liter,
21 the board of directors of the public school district and the
22 authorities in charge of the nonpublic school shall retain
23 a person credentialed to perform radon abatement measures
24 pursuant to section 136B.1 to develop a radon mitigation plan
25 within ninety days of the second short-term test. The board
26 of directors of the public school district and the authorities
27 in charge of the nonpublic school shall implement the radon
28 mitigation plan within one hundred eighty days of the second
29 short-term test.

30 5. *a.* The board of directors of each public school
31 district and the authorities in charge of each nonpublic school
32 shall have a short-term test for radon gas and radon progeny
33 performed each year at any school site that has implemented
34 a radon mitigation plan pursuant to subsection 4 or an
35 alternative radon mitigation plan pursuant to paragraph "*b*" of

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1 this subsection.

2 *b.* If the results of an annual test at a school site are
3 at or above four picocuries per liter, the board of directors
4 of the public school district and the authorities in charge of
5 each nonpublic school shall retain a person credentialed to
6 perform radon abatement measures pursuant to section 136B.1
7 to develop an alternative radon mitigation plan within ninety
8 days of the annual test. The board of directors of the public
9 school district and the authorities in charge of the nonpublic
10 school shall implement the alternative radon mitigation plan
11 within one hundred eighty days of the annual test.

12 *c.* The board of directors of each public school district
13 and the authorities in charge of each nonpublic school shall
14 continue annual radon testing at a school site until the
15 results of annual radon testing at the school site have been
16 less than four picocuries per liter for four consecutive years.

17 6. Radon testing pursuant to this section shall be conducted
18 by a person certified to conduct such testing pursuant to
19 section 136B.1 and shall be conducted as prescribed by the
20 department of public health. Radon mitigation plans and
21 alternative radon mitigation plans pursuant to this section
22 shall be developed and implemented as prescribed by the
23 department of public health.

24 7. The department of public health and the department of
25 education shall each adopt rules pursuant to chapter 17A to
26 jointly administer this section.

27 Sec. 2. Section 298.3, subsection 1, Code 2013, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. *n.* Radon testing and radon mitigation
30 pursuant to section 280.30.

31 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall be
34 paid by a school district from a physical plant and equipment
35 levy under section 298.2 or modified allowable growth under

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1 section 257.31, subsection 6. This specification of the
2 payment of the state cost shall be deemed to meet all of the
3 state funding-related requirements of section 25B.2, subsection
4 3, and no additional state funding shall be necessary for the
5 full implementation of this Act by and enforcement of this Act
6 against all affected school districts.

7 EXPLANATION

8 This bill requires the board of directors of each public
9 school district and the authorities in charge of each nonpublic
10 school to have a short-term test for radon gas and radon
11 progeny performed at each school site under its control at
12 least once every two years. If the results of such a test
13 are at or above four picocuries per liter, the bill requires
14 the board of directors of the public school district and the
15 authorities in charge of the nonpublic school to have a second
16 short-term test performed at the school site within 90 days.

17 If the results of a second test are at or above four
18 picocuries per liter, the bill requires the board of directors
19 of the public school district and the authorities in charge of
20 the nonpublic school to retain a person credentialed to perform
21 radon abatement measures to develop a radon mitigation plan
22 within 90 days. The radon mitigation plan must be implemented
23 within 180 days.

24 If the results of a short-term test at a school site at
25 which a radon mitigation plan has been implemented are at or
26 above four picocuries per liter, the bill requires the board of
27 directors of the public school district and the authorities in
28 charge of the nonpublic school to retain a person credentialed
29 to perform radon abatement measures to develop an alternative
30 radon mitigation plan within 90 days. The alternative radon
31 mitigation plan must be implemented within 180 days.

32 The bill requires annual, instead of biennial, short-term
33 radon testing for any school site at which a radon mitigation
34 plan or an alternative radon mitigation plan has been
35 implemented. Annual testing at a school site continues until

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1 the results have been less than four picocuries per liter for
2 four consecutive years.

3 The bill defines "short-term test" as a test approved by
4 the department of public health in which a testing device
5 remains in an area for not less than two days and not more than
6 90 days to determine the amount of radon in the air that is
7 acceptable for human inhalation. Radon testing pursuant to the
8 bill must be conducted by a person certified to conduct such
9 testing and must be conducted as prescribed by the department
10 of public health. Radon mitigation plans and alternative radon
11 mitigation plans pursuant to the bill must be developed and
12 implemented as prescribed by the department of public health.

13 The bill requires the department of public health and
14 the department of education to each adopt rules to jointly
15 administer the bill.

16 The bill adds radon testing and radon mitigation pursuant to
17 the bill to the list of permissible uses of a physical plant
18 and equipment levy by a school district.

19 The bill may include a state mandate as defined in Code
20 section 25B.3. The bill requires that the state cost of any
21 state mandate included in the bill be paid by a school district
22 from a physical plant and equipment levy under Code section
23 298.2 or modified allowable growth under Code section 257.31,
24 subsection 6. The specification is deemed to constitute state
25 compliance with any state mandate funding-related requirements
26 of Code section 25B.2. The inclusion of this specification is
27 intended to reinstate the requirement of political subdivisions
28 to comply with any state mandates included in the bill.



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Senate File 50 - Introduced

SENATE FILE 50
BY JOCHUM

A BILL FOR

1 An Act making an appropriation to the railroad revolving loan
2 and grant fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 327H.22 **Appropriation.**

2 There is appropriated each year from the general fund of
3 the state to the railroad revolving loan and grant fund, from
4 moneys not otherwise appropriated, an amount sufficient to
5 supplement any other moneys credited to the fund in order to
6 carry out the purposes of this chapter and to maximize the
7 amount of any federal funds available for the maintenance and
8 improvement of railroads.

9 EXPLANATION

10 The railroad revolving loan and grant fund is a fund
11 administered by the department of transportation to provide
12 assistance for the restoration, conservation, improvement, and
13 construction of railroads and for rail economic development
14 projects. This bill provides a standing appropriation to the
15 railroad revolving loan and grant fund from moneys in the
16 general fund of the state not otherwise appropriated. The
17 amount of the appropriation is unspecified, but is intended
18 to be sufficient to supplement other available moneys to
19 accomplish the purposes of the railroad revolving loan and
20 grant program and to maximize any federal funds that might be
21 available for the maintenance and improvement of railroads.



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Senate File 51 - Introduced

SENATE FILE 51
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1060)

A BILL FOR

1 An Act relating to establishment of the categorical state
2 percent of growth for purposes of the state school
3 foundation program and including effective date and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.8, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July~~
5 ~~1, 2010, is two percent.~~ The categorical state percent of
6 growth for the budget year beginning July 1, 2012, is two
7 percent. The categorical state percent of growth for the
8 budget year beginning July 1, 2013, is four percent. The
9 categorical state percent of growth for each budget year shall
10 be established by statute which shall be enacted within thirty
11 days of the submission in the year preceding the base year of
12 the governor's budget under section 8.21. The establishment
13 of the categorical state percent of growth for a budget year
14 shall be the only subject matter of the bill which enacts the
15 categorical state percent of growth for a budget year. The
16 categorical state percent of growth may include state percents
17 of growth for the teacher salary supplement, the professional
18 development supplement, and the early intervention supplement.

19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 Sec. 3. APPLICABILITY. This Act is applicable for computing
22 state aid under the state school foundation program for the
23 school budget year beginning July 1, 2013.

24 Sec. 4. CODE SECTION 257.8 — IMPLEMENTATION. The
25 requirement of section 257.8, subsection 2, regarding the
26 enactment of the categorical state percent of growth within
27 thirty days of the submission in the year preceding the base
28 year of the governor's budget does not apply to this Act.

29 EXPLANATION

30 This bill establishes a categorical state percent of growth
31 of 4 percent for purposes of the state school foundation
32 program for the school budget year beginning July 1, 2013.
33 The categorical state percent of growth includes the teacher
34 salary supplement, the professional development supplement,
35 and the early intervention supplement. The bill takes effect

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1 upon enactment and is applicable for computing state aid under
2 the state school foundation program for the school budget year
3 beginning July 1, 2013.

4 The bill provides that the requirement of Code section
5 257.8 regarding the timing of enactment of a categorical state
6 percent of growth does not apply to the bill.



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Senate File 52 - Introduced

SENATE FILE 52
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1059)

A BILL FOR

1 An Act relating to establishment of the state percent of growth
2 for purposes of the state school foundation program and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.8, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of growth~~
4 ~~for the budget year beginning July 1, 2010, is two percent.~~
5 The state percent of growth for the budget year beginning July
6 1, 2012, is two percent. The state percent of growth for the
7 budget year beginning July 1, 2013, is four percent. The state
8 percent of growth for each subsequent budget year shall be
9 established by statute which shall be enacted within thirty
10 days of the submission in the year preceding the base year of
11 the governor's budget under section 8.21. The establishment of
12 the state percent of growth for a budget year shall be the only
13 subject matter of the bill which enacts the state percent of
14 growth for a budget year.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 Sec. 3. APPLICABILITY. This Act is applicable for computing
18 state aid under the state school foundation program for the
19 school budget year beginning July 1, 2013.

20 Sec. 4. CODE SECTION 257.8 — IMPLEMENTATION. The
21 requirement of section 257.8, subsection 1, regarding the
22 enactment of the regular program state percent of growth within
23 thirty days of the submission in the year preceding the base
24 year of the governor's budget does not apply to this Act.

25 EXPLANATION

26 This bill establishes a state percent of growth of 4
27 percent for purposes of the state school foundation program
28 for the school budget year beginning July 1, 2013. The bill
29 takes effect upon enactment and is applicable for state aid
30 computation under the state school foundation program for the
31 school budget year beginning July 1, 2013.

32 The bill provides that the requirement of Code section 257.8
33 regarding the timing of enactment of a state percent of growth
34 does not apply to the bill.



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Senate File 53 - Introduced

SENATE FILE 53
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1057)

A BILL FOR

1 An Act relating to school district funding from the taxpayers
2 trust fund by making transfers to the property tax equity
3 and relief fund, establishing a school district property
4 tax replacement fund and making transfers to the fund,
5 making appropriations, and including effective date and
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8.57E, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. Moneys in the taxpayers trust fund shall only be used
4 pursuant to appropriations or transfers made by the general
5 assembly for tax relief.

6 Sec. 2. Section 257.2, subsection 9, Code 2013, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* Property tax replacement payments
9 received under section 257.16B.

10 Sec. 3. Section 257.4, subsection 1, paragraph a, Code 2013,
11 is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (8) The amount of the school district
13 property tax replacement payment received by the school
14 district under section 257.16B.

15 Sec. 4. Section 257.4, subsection 1, paragraph b, Code 2013,
16 is amended to read as follows:

17 *b.* For the budget year beginning July 1, 2008, and
18 succeeding budget years, the department of management shall
19 annually determine an adjusted additional property tax levy and
20 a statewide maximum adjusted additional property tax levy rate,
21 not to exceed the statewide average additional property tax
22 levy rate, calculated by dividing the total adjusted additional
23 property tax levy dollars statewide by the statewide total
24 net taxable valuation. For purposes of this paragraph, the
25 adjusted additional property tax levy shall be that portion of
26 the additional property tax levy corresponding to the state
27 cost per pupil multiplied by a school district's weighted
28 enrollment, ~~and~~ then multiplied by one hundred percent less
29 the regular program foundation base per pupil percentage
30 pursuant to section 257.1, and then reduced by the amount of
31 property tax replacement received under section 257.16B. The
32 district shall receive adjusted additional property tax levy
33 aid in an amount equal to the difference between the adjusted
34 additional property tax levy rate and the statewide maximum
35 adjusted additional property tax levy rate, as applied per

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1 thousand dollars of assessed valuation on all taxable property
2 in the district. ~~The statewide maximum adjusted additional~~
3 ~~property tax levy rate shall be annually determined by the~~
4 ~~department taking into account amounts allocated pursuant to~~
5 ~~section 257.15, subsection 4.~~ The statewide maximum adjusted
6 additional property tax levy rate shall be annually determined
7 by the department taking into account amounts allocated
8 pursuant to section 257.15, subsection 4, and the balance of
9 the property tax equity and relief fund created in section
10 257.16A at the end of the calendar year.

11 Sec. 5. Section 257.15, subsection 4, paragraph b, Code
12 2013, is amended to read as follows:

13 b. After lowering all school district adjusted additional
14 property tax levy rates to the statewide maximum adjusted
15 additional property tax levy rate under paragraph "a", the
16 department of management shall use any remaining funds at the
17 end of the calendar year to further lower additional property
18 taxes by increasing for the budget year beginning the following
19 July 1, the state foundation base percentage. Moneys used
20 pursuant to this paragraph shall supplant an equal amount of
21 the appropriation made from the general fund of the state
22 pursuant to section 257.16 that represents the increase in
23 state foundation aid.

24 Sec. 6. Section 257.16A, Code 2013, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. For each fiscal year beginning on or
27 after July 1, 2013, and after the transfer in section 257.16B,
28 there is transferred from the taxpayers trust fund created in
29 section 8.57E to the fund an amount necessary to lower all
30 school district adjusted additional property tax levy rates to
31 the statewide maximum adjusted additional property tax levy
32 rate pursuant to section 257.15, subsection 4, after taking
33 into account amounts allocated pursuant to section 257.15,
34 subsection 4, and amounts deposited in the fund under section
35 423F.2, subsection 3.

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1 Sec. 7. NEW SECTION. 257.16B School district property tax
2 replacement fund — payments.

3 1. a. A school district property tax replacement fund
4 is created in the state treasury under the authority of the
5 department of management. For each fiscal year beginning on
6 or after July 1, 2013, there is transferred from the taxpayers
7 trust fund created in section 8.57E to the fund an amount
8 necessary to make all school district property tax replacement
9 payments under this section.

10 b. There is appropriated annually all moneys in the fund
11 to the department of management for purposes of providing
12 replacement payments to school districts pursuant to this
13 section.

14 2. For each budget year beginning on or after July 1,
15 2013, the amount of money in the school district property tax
16 replacement fund shall be used to provide school district
17 replacement payments to each school district in the state as
18 calculated in subsection 3, paragraph "c", and subsection 4, if
19 applicable.

20 3. For each budget year beginning on or after July 1, 2013,
21 the department of management shall calculate for each school
22 district all of the following:

23 a. The state cost per pupil for the budget year beginning
24 July 1, 2012, multiplied by one hundred percent less the
25 regular program foundation base per pupil percentage pursuant
26 to section 257.1.

27 b. The state cost per pupil for the budget year beginning
28 July 1, 2013, multiplied by one hundred percent less the
29 regular program foundation base per pupil percentage pursuant
30 to section 257.1.

31 c. The amount of each school district's property tax
32 replacement payment. Each school district's property tax
33 replacement payment equals the school district's weighted
34 enrollment for the budget year multiplied by the remainder of
35 the amount calculated for the school district under paragraph



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1 "b" minus the amount calculated for the school district under
2 paragraph "a".

3 4. If an amount appropriated for a fiscal year is
4 insufficient to pay all school district replacement payments
5 for the budget year, the director of the department of
6 management shall prorate the payments from the fund and shall
7 notify the county auditors of the pro rata percentage on or
8 before July 31.

9 5. Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys deposited in the fund shall be credited to
11 the fund. Moneys in the fund are not subject to the provisions
12 of section 8.33 and shall not be transferred, used, obligated,
13 appropriated, or otherwise encumbered except as provided in
14 this section.

15 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 Sec. 9. APPLICABILITY. This Act applies to school budget
18 years beginning on or after July 1, 2013.

19 EXPLANATION

20 This bill relates to school district funding by making
21 certain transfers and appropriations and by providing for
22 school district property tax replacement payments.

23 For each fiscal year beginning on or after July 1, 2013, the
24 bill transfers from the taxpayers trust fund created in Code
25 section 8.57E an amount necessary to lower all school district
26 adjusted additional property tax levy rates to the statewide
27 maximum adjusted additional property tax levy rate as provided
28 for in Code section 257.15(4)(a), after taking into account
29 amounts currently allocated for that purpose pursuant to Code
30 section 257.15, subsection 4, and amounts deposited in the fund
31 from the secure an advanced vision for education fund under
32 Code section 423F.2, subsection 3. The bill also modifies the
33 method of calculating a school district's adjusted additional
34 property tax levy under Code section 257.4 to reflect property
35 tax replacement payments received by the school district for



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1 the same budget year pursuant to new Code section 257.16B.
2 The bill establishes a school district property tax
3 replacement fund under the authority of the department of
4 management. For each fiscal year beginning on or after July
5 1, 2013, and before the transfer of moneys to the property tax
6 equity and relief fund, the bill transfers from the taxpayers
7 trust fund under Code section 8.57E to the school district
8 property tax replacement fund an amount necessary to make all
9 school district property tax replacement payments under new
10 Code section 257.16B. The bill appropriates the moneys in the
11 replacement fund to the department of management for that
12 purpose.

13 Under the bill, for each budget year beginning on or after
14 July 1, 2013, each school district's property tax replacement
15 payment amount is equal to the school district's weighted
16 enrollment for the budget year multiplied by the difference of
17 the following: (1) the state cost per pupil for the budget
18 year beginning July 1, 2013, multiplied by 100 percent less the
19 regular program foundation base per pupil percentage pursuant
20 to Code section 257.1; and (2) the state cost per pupil for the
21 budget year beginning July 1, 2012, multiplied by 100 percent
22 less the regular program foundation base per pupil percentage
23 pursuant to Code section 257.1.

24 The bill provides that if an amount appropriated for a fiscal
25 year is insufficient to pay all school district replacement
26 payments for the budget year, the director of the department of
27 management shall prorate the payments from the fund.

28 The bill amends Code section 8.57E to allow transfers by the
29 general assembly from the taxpayers trust fund for tax relief
30 in addition to appropriations which are already allowed under
31 Iowa law.

32 The bill modifies the definition of miscellaneous income
33 under Code chapter 257 to exclude property tax replacement
34 payments received by a school district under new Code
35 section 257.16B. The bill also modifies the calculation for

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1 determining the amount of a school district's additional
2 property tax levy to reflect property tax replacement payment
3 amounts received under new Code section 257.16B.
4 The bill takes effect upon enactment. The bill applies to
5 school budget years beginning on or after July 1, 2013.



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Senate Study Bill 1072 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act establishing a voter-owned Iowa clean elections Act and
2 fund, providing sources of funding, providing an income tax
3 exemption for contributions made to the fund, providing
4 penalties, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68A.603, Code 2013, is amended to read
2 as follows:

3 **68A.603 Rules promulgated.**

4 The ethics and campaign disclosure board shall administer
5 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
6 and 68A.604 through 68A.610 and shall promulgate all necessary
7 rules in accordance with chapter 17A.

8 Sec. 2. NEW SECTION. **68A.610 Checkoff — income tax —**
9 **voter-owned Iowa clean elections.**

10 A person whose state income tax liability for any taxable
11 year is five dollars or more may direct that five dollars
12 of that liability be paid over to the voter-owned Iowa
13 clean elections fund, as established in section 68A.823,
14 when submitting the person's state income tax return to the
15 department of revenue. In the case of a joint return of
16 husband and wife having a state income tax liability of ten
17 dollars or more, each spouse may direct that five dollars
18 be paid to the fund. The director of revenue shall provide
19 space for the voter-owned Iowa clean elections fund income
20 tax checkoff on the income tax form. An explanation shall
21 be included which clearly states that this checkoff does not
22 constitute an additional tax liability. The action taken by a
23 person for the checkoff is irrevocable.

24 Sec. 3. NEW SECTION. **68A.801 Definitions.**

25 For the purposes of this subchapter, unless the context
26 otherwise requires:

27 1. "*Allowable contribution*" means a qualifying contribution
28 or a seed money contribution.

29 2. "*Board*" means the Iowa ethics and campaign disclosure
30 board established under section 68B.32.

31 3. "*Clean election campaign qualifying period*" means the
32 period during which candidates are permitted to collect
33 qualifying contributions in order to qualify for clean election
34 campaign funding. The period begins ninety days before the
35 beginning of the primary election campaign period and ends

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1 thirty days before the beginning of the primary election
2 campaign period.

3 4. "*Coordination*" means a payment made for a communication
4 or anything of value that is for the purpose of influencing the
5 outcome of an election and that is made by a person according
6 to at least one of the following:

7 a. In cooperation, consultation, or concert with, at
8 the request or suggestion of, or pursuant to, a particular
9 understanding with a candidate, a candidate's committee, or an
10 agent acting on behalf of a candidate or candidate's committee.

11 b. For the dissemination, distribution, or republication,
12 in whole or in part, of any broadcast or any written, graphic,
13 or other form of campaign material prepared by a candidate,
14 a candidate's committee, or an agent of a candidate or
15 candidate's committee.

16 c. Based on specific information about the candidate's
17 plans, projects, or needs provided to the person making the
18 payment by the candidate or the candidate's agent who provides
19 the information with a view toward having the payment made.

20 d. If in the same election cycle in which the payment is
21 made, the person making the payment is serving or has served as
22 a member, employee, fund-raiser, or agent of the candidate or
23 candidate's committee in an executive or policymaking position.

24 e. If the person making the payment has served in any formal
25 policy or advisory position with the candidate's campaign or
26 has participated in strategic or policymaking discussions with
27 the candidate's campaign relating to the candidate's pursuit of
28 nomination for election, or election, to office, in the same
29 election cycle as the election cycle in which the payment is
30 made.

31 f. If the person making the payment retains the professional
32 services of an individual or person who, in a nonministerial
33 capacity, has provided or is providing campaign-related
34 services in the same election cycle to a candidate who
35 is pursuing the same nomination or election as any of the

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1 candidates to whom the communication refers. For purposes
2 of this section, "*professional services*" includes services in
3 support of a candidate's pursuit of nomination for election or
4 election to office such as polling, media advice, direct mail,
5 fund-raising, or campaign research services.

6 5. "*Electioneering communication*" means any communication
7 that refers to a clearly identified candidate for elected
8 public office, if the communication has the effect of
9 encouraging or discouraging a vote for the candidate,
10 regardless of whether the communication expressly advocates a
11 vote for or against the candidate.

12 6. "*Excess expenditure amount*" means the amount of
13 money spent or obligated to be spent by a nonparticipating
14 candidate in excess of the clean money amount available to a
15 participating candidate running for the same office.

16 7. "*Express advocacy*" means the same as defined in section
17 68A.102.

18 8. "*General election campaign period*" means the period
19 beginning the day after the primary election and ending on the
20 day of the general election.

21 9. "*Independent candidate*" means a candidate who does not
22 represent a political party as defined by section 43.2.

23 10. "*Independent expenditure*" means an expenditure made
24 by a person or group of persons other than a candidate or
25 candidate's committee that meets both of the following
26 conditions:

27 a. The expenditure is made for a communication that contains
28 express advocacy.

29 b. The expenditure is made without the participation or
30 cooperation of and without coordination with a candidate or a
31 candidate's committee.

32 11. "*Nonparticipating candidate*" means a candidate who is
33 on the ballot but has chosen not to apply for clean election
34 campaign funding or a candidate who is on the ballot and
35 has applied for but has not satisfied the requirements for

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1 receiving clean election campaign funding.

2 12. "*Participating candidate*" means a candidate who
3 qualifies for clean election campaign funding. Such candidates
4 are eligible to receive clean election campaign funding during
5 primary or general election campaign periods.

6 13. "*Party candidate*" means a candidate who represents a
7 political party as defined by section 43.2.

8 14. "*Primary election campaign period*" means the period
9 beginning ninety days before the primary election and ending on
10 the day of the primary election.

11 15. "*Qualifying contribution*" means a contribution of five
12 dollars or more that is received during the designated clean
13 election campaign qualifying period by a candidate seeking to
14 become eligible for clean election campaign funding and that is
15 acknowledged by a written receipt identifying the contributor.
16 However, if the annual median household income of a legislative
17 district is at or below one hundred percent of the most recent
18 federal poverty guidelines based on United States census bureau
19 data, the qualifying contribution is one dollar.

20 16. "*Seed money contribution*" means a contribution of no
21 more than one hundred dollars made by an individual adult
22 during the seed money period, but specifically excludes all of
23 the following:

24 a. Payments by a membership organization for the costs of
25 communications to its members.

26 b. Payments by a membership organization for the purpose of
27 facilitating the making of qualifying contributions.

28 c. The cash value of volunteer activity, including the
29 payment of incidental expenses of volunteers.

30 17. "*Seed money period*" means the period beginning the
31 day following the previous general election for that office
32 and ending on the last day of the clean election campaign
33 qualifying period. The "*seed money period*" is the exploratory
34 period during which candidates who wish to become eligible
35 for clean election campaign funding for the next elections

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1 are permitted to raise and spend a limited amount of private
2 seed money, from contributions of up to one hundred dollars
3 per individual, for the purpose of determining whether to
4 become a candidate and fulfilling the clean election campaign
5 eligibility requirements.

6 Sec. 4. NEW SECTION. 68A.802 Eligibility for party
7 candidates.

8 1. A party candidate qualifies as a participating candidate
9 for the primary election campaign period if the candidate does
10 both of the following:

11 a. The candidate files a declaration with the board that
12 the candidate has complied and will comply with all of the
13 requirements of this subchapter, including the requirement
14 that during the seed money period and the clean election
15 campaign qualifying period the candidate not accept or
16 spend private contributions from any source other than seed
17 money contributions and clean election campaign qualifying
18 contributions, unless the provisions of section 68A.804 apply.

19 b. The candidate meets both of the following qualifying
20 contribution requirements before the close of the clean
21 election campaign qualifying period:

22 (1) A party candidate must collect both qualifying
23 contributions and signatures as follows:

24 (a) For the office of governor, from five hundred eligible
25 electors in each congressional district.

26 (b) For statewide office other than governor, from two
27 hundred fifty eligible electors in each congressional district.

28 (c) For the Iowa senate, from two hundred eligible electors
29 in the senate candidate's electoral district.

30 (d) For the Iowa house of representatives, from one hundred
31 eligible electors in the house candidate's electoral district.

32 (2) Each qualifying contribution must meet all requirements
33 of this section.

34 2. Contributors shall be eligible electors who reside
35 within the candidate's electoral district and who are therefore

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1 eligible to vote for that candidate.
2 3. Qualifying contributions shall be:
3 a. Made in cash, check, money order, or credit or debit
4 card.
5 b. Gathered by the candidate personally or by volunteers who
6 do not receive compensation.
7 c. Acknowledged by a receipt to the contributor, with
8 a copy to be kept by the candidate and a third copy to be
9 submitted to the board. The receipt shall include a signed
10 statement that the contributor understands that the purpose of
11 the contribution is to help the candidate qualify for clean
12 election campaign funding and that the contribution is made
13 without coercion or reimbursement. The receipt shall include
14 the contributor's signature, printed name, home address, and
15 telephone number, and the name of the candidate on whose behalf
16 the contribution is made.
17 d. Paid over to the board for deposit in the voter-owned
18 Iowa clean elections fund established under section 68A.823,
19 with the signed and completed receipt, according to a schedule
20 and procedure to be determined by the board. A contribution
21 submitted as a qualifying contribution that does not include
22 the signed and completed receipt shall not be counted as a
23 qualifying contribution.
24 4. A party candidate qualifies as a participating candidate
25 for the general election campaign period when the candidate
26 does both of the following:
27 a. The candidate has met all of the applicable requirements
28 of this subchapter and filed a declaration with the board
29 that the candidate has fulfilled and will fulfill all of the
30 requirements of a participating candidate as stated in this
31 subchapter.
32 b. As a participating candidate during the primary election
33 campaign period, the candidate had the highest number of votes
34 of the candidates contesting the primary election from the
35 candidate's respective party and won the party's nomination.

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1 Sec. 5. NEW SECTION. **68A.803 Eligibility for independent**
2 **candidates.**

3 1. An independent candidate qualifies as a participating
4 candidate for the primary election campaign period if the
5 candidate does both of the following:

6 a. The candidate files a declaration with the board that
7 the candidate has complied and will comply with all of the
8 requirements of this subchapter, including the requirement
9 that during the seed money period and the clean election
10 campaign qualifying period the candidate not accept or
11 spend private contributions from any source other than seed
12 money contributions and clean election campaign qualifying
13 contributions, unless the provisions of section 68A.804 apply.

14 b. The candidate meets the following qualifying contribution
15 requirements before the close of the clean election campaign
16 qualifying period:

17 (1) An independent candidate shall collect the same number
18 of qualifying contributions as required of a party candidate
19 for the same office under section 68A.802.

20 (2) Each qualifying contribution must meet all requirements
21 of this section.

22 2. Contributors shall be registered voters who reside
23 within the candidate's electoral district and who are therefore
24 eligible to vote for that candidate.

25 3. Qualifying contributions shall be:

26 a. Made in cash, check, money order, or credit or debit
27 card.

28 b. Gathered by the candidate personally or by volunteers who
29 do not receive compensation.

30 c. Acknowledged by a receipt to the contributor, with
31 a copy to be kept by the candidate and a third copy to be
32 submitted to the board. The receipt shall include a signed
33 statement that the contributor understands that the purpose of
34 the contribution is to help the candidate qualify for clean
35 election campaign funding and that the contribution is made

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1 without coercion or reimbursement. The receipt shall include
2 the contributor's signature, printed name, home address, and
3 telephone number, and the name of the candidate on whose behalf
4 the contribution is made.

5 *d.* Paid over to the board for deposit in the voter-owned
6 Iowa clean elections fund established under section 68A.823,
7 with the signed and completed receipt, according to a schedule
8 and procedure to be determined by the board. A contribution
9 submitted as a qualifying contribution that does not include
10 the signed and completed receipt shall not be counted as a
11 qualifying contribution.

12 4. An independent candidate qualifies as a participating
13 candidate for the general election campaign period when the
14 candidate does both of the following:

15 *a.* If, prior to the primary election, the candidate has met
16 all of the applicable requirements of this subchapter and filed
17 a declaration with the board that the candidate has fulfilled
18 and will fulfill all of the requirements of a participating
19 candidate as stated in this subchapter.

20 *b.* If, during the primary election campaign period, the
21 candidate has fulfilled all the requirements of a participating
22 candidate as stated in this subchapter.

23 Sec. 6. NEW SECTION. **68A.804 Transition rule for current**
24 **election cycle.**

25 During the election cycle in effect on the date of enactment
26 of this Act, a candidate may be certified as a participating
27 candidate, notwithstanding the acceptance of contributions
28 or making of expenditures from private funds before the date
29 of enactment of this Act that would, absent this section,
30 disqualify the candidate as a participating candidate, provided
31 that any private funds accepted but not expended before the
32 date of enactment of this Act shall either be returned to
33 the contributor or submitted to the board for deposit in the
34 voter-owned Iowa clean elections fund established under section
35 68A.823.

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1 Sec. 7. NEW SECTION. **68A.805** Continuing obligation to
2 **comply.**

3 A participating candidate who accepts any benefits under
4 section 68A.813 during the primary election campaign period
5 shall comply with all the requirements of this subchapter
6 through any remaining time during the primary election campaign
7 period as well as through the general election campaign period
8 whether or not the candidate continues to accept benefits.

9 Sec. 8. NEW SECTION. **68A.806** Contributions and
10 **expenditures.**

11 1. During the primary and general election campaign
12 periods, a participating candidate who has voluntarily agreed
13 to participate in clean election campaign financing shall not
14 accept private contributions from any source other than the
15 candidate's political party, as specified in section 68A.808.

16 2. A person shall not make a contribution in violation
17 of section 68A.502. A participating candidate who receives
18 a qualifying contribution or a seed money contribution that
19 is not from the person listed on the receipt as required by
20 this subchapter shall pay to the board for deposit in the
21 voter-owned Iowa clean elections fund established under section
22 68A.823 the entire amount of such contribution.

23 3. The board shall issue each participating candidate a card
24 known as the "clean election campaign debit card" entitling the
25 candidate to draw clean election campaign funds to pay for all
26 campaign costs and expenses up to the amount of funding the
27 candidate has received, and the board shall credit such amount
28 to the card. During the primary and general election campaign
29 periods, a participating candidate shall pay by means of the
30 board's clean election campaign debit card. A participating
31 candidate shall not pay campaign costs by cash, check, money
32 order, loan, or by any other financial means other than the
33 clean election campaign debit card.

34 4. Eligible candidates shall furnish complete campaign
35 records, including all records of seed money contributions and

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1 qualifying contributions, to the board at regular filing times,
2 or on request by the board. Candidates shall cooperate with
3 any audit or examination conducted or ordered by the board.

4 Sec. 9. NEW SECTION. **68A.807 Nonparticipating candidates**
5 **— contribution limits.**

6 Nonparticipating candidates shall be subject to the
7 following contribution limits:

8 1. Candidates for statewide office:

9 a. One thousand dollars in the aggregate per individual
10 contribution.

11 b. Five thousand dollars in the aggregate per political
12 committee contribution.

13 2. Candidates for the Iowa senate and house of
14 representatives:

15 a. Five hundred dollars in the aggregate per individual
16 contribution.

17 b. One thousand dollars in the aggregate per political
18 committee contribution.

19 Sec. 10. NEW SECTION. **68A.808 Political party contributions**
20 **and expenditures.**

21 1. Participating candidates may accept monetary or in-kind
22 contributions from political parties provided that the
23 aggregate amount of such contributions from all political party
24 committees combined does not exceed the equivalent of five
25 percent of the clean election campaign financing amount for
26 that office.

27 2. In-kind contributions made during a general election
28 campaign period on behalf of a group of the party's candidates
29 shall not be considered a prohibited party contribution or
30 count against the five percent limit established in subsection
31 1 if such group includes at least fifty-one percent of the
32 candidates whose names will appear on the general election
33 ballot in the political subdivision represented by the party
34 committee making such in-kind contributions.

35 3. Contributions made to, and expenditures made by,

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1 political parties during primary and general campaign
2 periods shall be reported to the board on the same basis as
3 contributions and expenditures made to or by candidates.
4 4. This section and this subchapter shall not prevent
5 political party funds from being used for any of the following:
6 a. General operating expenses of the party.
7 b. Conventions.
8 c. Nominating and endorsing candidates.
9 d. Identifying, researching, and developing the party's
10 positions on issues.
11 e. Party platform activities.
12 f. Noncandidate-specific voter registration drives.
13 g. Noncandidate-specific get-out-the-vote drives.
14 h. Travel expenses for noncandidate party leaders and staff.
15 i. Other noncandidate-specific party-building activities,
16 as defined by rule of the board.
17 j. Employing a staff person to provide election services to
18 two or more candidates.
19 Sec. 11. **NEW SECTION. 68A.809 Use of personal funds.**
20 1. Personal funds contributed as seed money by a candidate
21 seeking to become eligible as a participating candidate or by
22 the candidate's spouse shall not exceed one hundred dollars per
23 contributor.
24 2. Personal funds shall not be used to meet the qualifying
25 contribution requirement except for one five-dollar
26 contribution from the candidate and one five-dollar
27 contribution from the candidate's spouse.
28 Sec. 12. **NEW SECTION. 68A.810 Seed money.**
29 1. The only private contributions a candidate seeking
30 to become eligible for clean election campaign funding shall
31 accept, other than qualifying contributions, are seed money
32 contributions contributed by individual adults prior to the end
33 of the clean election campaign qualifying period.
34 2. A seed money contribution shall not exceed one hundred
35 dollars, and the aggregate amount of seed money contributions

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1 accepted by a candidate seeking to become eligible for clean
2 election campaign funding shall not exceed the relevant limit,
3 as follows:

4 *a.* Twenty-five thousand dollars for a candidate team running
5 for governor and lieutenant governor.

6 *b.* Fifteen thousand dollars for a candidate running for
7 statewide office other than governor or lieutenant governor.

8 *c.* Two thousand dollars for a candidate running for the Iowa
9 senate.

10 *d.* One thousand dollars for a candidate running for the Iowa
11 house of representatives.

12 3. Receipts for seed money contributions shall include
13 the contributor's signature, printed name, street address and
14 zip code, telephone number, occupation, and name of employer.
15 Contributions shall not be accepted if the required disclosure
16 information is not received.

17 4. Seed money shall be spent only during the clean election
18 campaign qualifying period. Seed money shall not be spent
19 during the primary or general election campaign periods.

20 5. Within forty-eight hours after the close of the clean
21 election campaign qualifying period, candidates seeking to
22 become eligible for clean election campaign funding shall do
23 both of the following:

24 *a.* Fully disclose all seed money contributions and
25 expenditures to the board.

26 *b.* Pay over to the board for deposit in the voter-owned
27 Iowa clean elections fund any seed money the candidate has
28 raised during the designated seed money period that exceeds the
29 aggregate seed money limit.

30 Sec. 13. NEW SECTION. 68A.811 Participation in debates.

31 1. Participating candidates in contested races shall
32 participate in all of the following:

33 *a.* For the offices of governor and lieutenant governor:

34 (1) One one-hour debate during a contested primary
35 election.

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1 (2) Two one-hour debates during a contested general
2 election.

3 b. For all other offices:

4 (1) One one-hour debate during a contested primary
5 election.

6 (2) One one-hour debate during a contested general
7 election.

8 2. Nonparticipating candidates for the same office whose
9 names will appear on the ballot shall be invited to join the
10 debates.

11 Sec. 14. NEW SECTION. **68A.812 Certification.**

12 1. No more than five days after a candidate applies for
13 clean election campaign funding benefits, the board shall
14 certify that the candidate is or is not eligible to receive
15 clean election campaign funds.

16 2. Eligibility can be revoked if the candidate violates
17 the requirements of this subchapter, in which case all clean
18 election campaign funds shall be repaid by the candidate.

19 3. The candidate's request for certification shall be
20 signed by the candidate and the treasurer of the candidate's
21 committee, both under penalty of perjury.

22 4. The board's determination is final except that it is
23 subject to examination and audit by an outside agency and to
24 prompt judicial review, in compliance with rules promulgated by
25 the board in accordance with chapter 17A.

26 Sec. 15. NEW SECTION. **68A.813 Benefits provided to**
27 **candidates eligible to receive clean election campaign funding.**

28 1. Candidates who qualify for clean election campaign
29 funding for primary and general elections shall receive all of
30 the following:

31 a. Clean election campaign funding from the board for each
32 election, the amount of which is specified in section 68A.815.
33 This funding may be used to finance any and all campaign
34 expenses during the particular campaign period for which it is
35 received.

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1 *b.* Additional clean election campaign funding to match
2 any excess expenditure amount spent by a nonparticipating
3 candidate, as specified in section 68A.817.

4 *c.* Additional clean election campaign funding to match any
5 independent expenditure made in opposition to their candidacies
6 or on behalf of their opponents' candidacies, as specified in
7 section 68A.819.

8 *d.* Additional clean election campaign funding to match
9 any electioneering communication expenditure, as specified in
10 section 68A.820.

11 2. The maximum aggregate amount of additional funding
12 above the initial allocation determined under section 68A.815
13 that a participating candidate may be eligible to receive to
14 match independent expenditures, the excess expenditures of
15 nonparticipating candidates, and electioneering communication
16 expenditures shall be two hundred percent of the full amount of
17 clean election campaign funding allocated to the participating
18 candidate for a particular primary or general election campaign
19 period.

20 Sec. 16. NEW SECTION. 68A.814 Schedule of clean election
21 campaign funding payments.

22 1. An eligible candidate shall receive clean election
23 campaign funding for the primary election campaign period
24 on the date on which the board certifies the candidate as a
25 participating candidate. This certification shall take place
26 no later than five days after the candidate has submitted the
27 required number of qualifying contributions and a declaration
28 stating that the candidate has complied with all other
29 requirements for eligibility as a participating candidate, but
30 no earlier than the beginning of the primary election campaign
31 period.

32 2. An eligible candidate shall receive clean election
33 campaign funding for the general election campaign period
34 within forty-eight hours after certification of the primary
35 election results.

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1 Sec. 17. NEW SECTION. **68A.815** **Determination of clean**
2 **election campaign funding amounts.**

3 1. *a.* For party candidates, the amount of clean election
4 campaign funding for a contested primary election is as
5 follows:

6 (1) Seven hundred fifty thousand dollars for a candidate
7 team running for governor and lieutenant governor.

8 (2) Seventy-five thousand dollars for a candidate for
9 statewide office other than governor and lieutenant governor.

10 (3) Twenty-two thousand five hundred dollars for a
11 candidate running for the Iowa senate.

12 (4) Fifteen thousand dollars for a candidate running for the
13 Iowa house of representatives.

14 *b.* The clean election campaign funding amount for an
15 eligible party candidate in an uncontested primary election
16 is twenty-five percent of the amount provided in a contested
17 primary election.

18 *c.* In a contested general election, if an eligible party
19 candidate or all of the candidates of the candidate's party
20 combined received at least twenty percent of the total number
21 of votes cast for all candidates seeking that office in
22 the most recent primary election or in the previous general
23 election, the candidate shall receive the full amount of clean
24 election campaign funding for the general election, as follows:

25 (1) Three million dollars for a candidate team running for
26 governor and lieutenant governor.

27 (2) Two hundred thousand dollars for a candidate for
28 statewide office other than governor and lieutenant governor.

29 (3) Forty thousand dollars for a candidate running for the
30 Iowa senate.

31 (4) Thirty thousand dollars for a candidate running for the
32 Iowa house of representatives.

33 *d.* The clean election campaign funding amount for an
34 eligible party candidate in an uncontested general election
35 is ten percent of the amount provided in a contested general

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1 election for the same office.

2 2. *a.* For eligible independent candidates, the clean
3 election campaign funding amount for the primary election
4 campaign period is twenty-five percent of the amount of clean
5 election campaign funding received by a party candidate in a
6 contested primary election for the same office.

7 *b.* The clean election campaign funding amount for an
8 eligible independent candidate in the general election is the
9 same as the full amount received by a party candidate in the
10 general election for the same office.

11 *c.* After the first cycle of clean election campaign
12 financing elections, the board shall modify all clean election
13 campaign funding amounts based on the percentage increase in
14 the consumer price index, for all urban consumers, United
15 States city average, as published in the federal register
16 by the United States department of labor, bureau of labor
17 statistics, that reflects the percentage increase in the
18 consumer price index for the twelve-month period ending
19 December 31 of the previous year.

20 Sec. 18. NEW SECTION. **68A.816 Expenditures made with clean**
21 **election campaign funds.**

22 1. The clean election campaign funding received by a
23 participating candidate shall be used only for the purpose of
24 defraying that candidate's campaign-related expenses during
25 the particular election campaign period for which the clean
26 election campaign funding was received.

27 2. Payments shall not be used for the following:

28 *a.* Payments that are in violation of the law.

29 *b.* Payments that repay any personal, family, or business
30 loans, expenditures, or debts.

31 Sec. 19. NEW SECTION. **68A.817 Disclosure of excess spending**
32 **by nonparticipating candidates.**

33 1. If a nonparticipating candidate's total expenditures
34 exceed the amount of clean election campaign funding allocated
35 to the candidate's clean election campaign opponent, the

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1 candidate shall declare to the board within forty-eight hours
2 every excess expenditure amount that, in the aggregate, is more
3 than one thousand dollars.

4 2. During the last twenty days before the end of the
5 relevant campaign period, a nonparticipating candidate shall
6 declare to the board each excess expenditure amount over
7 five hundred dollars within twenty-four hours of when the
8 expenditure is made or obligated to be made.

9 3. The board may make its own determination as to whether
10 excess expenditures have been made by nonparticipating
11 candidates.

12 4. Upon receiving an excess expenditure declaration, the
13 board shall immediately release additional clean election
14 campaign funding to the opposing participating candidate
15 or candidates equal to the excess expenditure amount the
16 nonparticipating candidate has spent or intends to spend,
17 subject to the limit set forth in section 68A.813.

18 Sec. 20. NEW SECTION. **68A.818 Campaign advertisements.**

19 All broadcast and print advertisements placed by candidates
20 or candidate's committees shall, in addition to the
21 requirements of section 68A.405, include a clear written or
22 spoken statement indicating that the candidate has approved the
23 contents of the advertisement.

24 Sec. 21. NEW SECTION. **68A.819 Disclosure of independent
25 expenditures — additional clean election campaign funding.**

26 1. Any person or group of persons who makes or obligates
27 to make an independent expenditure during a primary or general
28 election campaign period which, in the aggregate, exceeds one
29 thousand dollars, shall report each expenditure within forty-
30 eight hours to the board.

31 2. The report to the board shall include a statement,
32 under penalty of perjury, by the person or persons making the
33 independent expenditure identifying the candidate whom the
34 independent expenditure is intended to help elect or defeat
35 and affirming that the expenditure is totally independent and

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1 involves no coordination with a candidate or a political party.

2 *a.* An individual or organization may file a complaint with
3 the board if the candidate or the organization believes that
4 the statement according to this subsection is false.

5 *b.* A hearing on a complaint under this subsection shall be
6 held within three business days of filing and a decision issued
7 within seven days of filing.

8 3. Any person or group of persons who makes or obligates
9 to make an independent expenditure during the last twenty days
10 before the end of the relevant campaign period which, in the
11 aggregate, exceeds five hundred dollars, shall report each
12 expenditure within twenty-four hours to the board.

13 4. Upon receiving a report that an independent expenditure
14 has been made or obligated to be made, the board shall
15 immediately release additional clean election campaign funding,
16 equal in amount to the cost of the independent expenditure, to
17 all participating candidates whom the independent expenditure
18 is intended to oppose or defeat, subject to the limit set forth
19 in section 68A.813.

20 Sec. 22. NEW SECTION. **68A.820 Electioneering communications**
21 **— disclosure — additional clean election campaign funding.**

22 1. A person who makes or obligates to make a disbursement to
23 purchase an electioneering communication shall file a report
24 with the board not later than forty-eight hours after making or
25 obligating to make the disbursement, containing the following
26 information:

27 *a.* The amount of the disbursement.

28 *b.* The name and address of the person making the
29 disbursement.

30 *c.* The purpose of the electioneering communication.

31 2. Upon receiving a report that an electioneering
32 communication has been made or obligated to be made, and
33 upon determination that the electioneering communication can
34 reasonably be interpreted as having the effect of promoting
35 the defeat of a participating candidate or the election

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1 of that candidate's opponent, the board shall immediately
2 release to that candidate additional clean election campaign
3 funding, equal in amount to the cost of the electioneering
4 communication, subject to the limit set forth in section
5 68A.813.

6 Sec. 23. NEW SECTION. **68A.821 Voter information program.**

7 1. The board shall establish and administer a nonpartisan
8 voter information program, including an advisory council
9 consisting of representatives of nonprofit organizations,
10 political parties, the media, and interested citizens.

11 2. The voter information program advisory council may
12 establish a voter information program for the purpose of
13 providing voters with election-related information and
14 fostering political dialogue and debate.

15 3. The voter information program advisory council
16 shall organize the publication and distribution of a voter
17 information guide that includes important information about the
18 following issues:

19 a. Candidates appearing on the ballot, including
20 biographical material submitted by the candidates.

21 b. Whether candidates are funding their campaigns with
22 public money or private money.

23 c. Policy statements by the candidates or their political
24 parties on issues designated by the council and other issues.

25 d. Candidates' voting records.

26 Sec. 24. NEW SECTION. **68A.822 Debates.**

27 1. A nonpartisan organization that is involved in providing
28 information to the public concerning elections or a nonpartisan
29 organization that has been involved in education and the
30 advocacy of open, clean election and campaign laws for at
31 least five years, may host and sponsor voter-owned Iowa clean
32 election candidate debates in contested primary and general
33 elections.

34 2. All participating candidates shall participate in the
35 debates and all nonparticipating candidates for the same office

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1 whose names will appear on the ballot shall be invited to join
2 the debates.

3 Sec. 25. NEW SECTION. **68A.823 Voter-owned Iowa clean**
4 **elections fund (VOICE) — nature and purposes.**

5 1. A voter-owned Iowa clean elections fund is established as
6 a separate fund within the office of the state treasurer, under
7 the control of the board, for the following purposes:

8 a. Providing public financing for the election campaigns of
9 certified participating candidates during primary election and
10 general election campaign periods.

11 b. Paying for the administrative and enforcement costs of
12 the board in relation to this subchapter.

13 2. The fund shall consist of moneys received pursuant to
14 section 68A.824. Notwithstanding section 8.33, unencumbered
15 or unobligated moneys and any interest earned on moneys in the
16 fund on June 30 of any fiscal year shall not revert to the
17 general fund of the state but shall remain in the fund and be
18 available for expenditure in subsequent years.

19 Sec. 26. NEW SECTION. **68A.824 Funding.**

20 In addition to any moneys appropriated by the general
21 assembly to the voter-owned Iowa clean elections fund
22 established in section 68A.823, the following moneys shall be
23 deposited in the fund:

24 1. The qualifying contributions required of candidates
25 seeking to become certified as participating candidates
26 according to section 68A.802 or 68A.803 and candidates' excess
27 qualifying contributions.

28 2. Moneys credited to the fund pursuant to sections 68A.610
29 and 556.18.

30 3. The excess seed money contributions of candidates
31 seeking to become certified as participating candidates.

32 4. Moneys distributed to any participating candidate
33 who does not remain a candidate until the primary or general
34 election for which they were distributed.

35 5. Civil penalties levied by the board against candidates

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1 for violations of this subchapter.

2 6. Voluntary donations made directly to the fund.

3 7. Any other sources of revenue designated by the general
4 assembly.

5 Sec. 27. NEW SECTION. 68A.825 Powers and procedures.

6 The board shall have the following powers and duties, in
7 addition to those granted in this chapter and chapter 68B, when
8 administering this subchapter:

9 1. After every primary and general election, the board
10 may conduct random audits and investigations to ensure
11 compliance with this subchapter. The subjects of such audits
12 and investigations shall be selected on the basis of impartial
13 criteria established by a vote of at least four members of the
14 board.

15 2. a. The board may investigate anonymous complaints.

16 b. The identity of a complainant may be kept confidential
17 if the complainant states in the complaint that revealing
18 the identity of the complainant could reasonably result in
19 disciplinary action or loss of employment.

20 3. The board may seek injunctions when all of the following
21 conditions are met:

22 a. There is a substantial likelihood that a violation of
23 this subchapter is occurring or is about to occur.

24 b. The failure to act expeditiously will result in
25 irreparable harm to a party affected by the violation or
26 potential violation.

27 c. Expeditious action will not cause undue harm or prejudice
28 to the interests of others.

29 d. The public interest would be best served by the issuance
30 of an injunction.

31 4. The board may levy civil penalties for violations of
32 this subchapter. Civil penalties shall be deposited in the
33 voter-owned Iowa clean elections fund.

34 5. The board shall refer criminal violations to the county
35 attorney or attorney general for prosecution.

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1 6. The board may participate fully in any actions filed
2 under this section.

3 7. The board shall adopt rules pursuant to chapter 17A as
4 necessary to administer this subchapter.

5 Sec. 28. NEW SECTION. **68A.826 Civil actions.**

6 1. A citizen who believes a candidate has violated this
7 subchapter may pursue a civil action in a court of relevant
8 jurisdiction, provided that both of the following are true:

9 a. The citizen has previously filed a complaint with the
10 board regarding the same alleged violation.

11 b. The board has failed to make a determination within
12 thirty days of the filing of the complaint.

13 2. A complainant who prevails in a civil action charging
14 a violation of this subchapter shall be entitled to receive
15 reasonable attorney fees and court costs from the defendant.

16 3. If a court in which a civil action has been filed under
17 subsection 1 finds that the complaint in that action was
18 made frivolously or without cause, the court may require the
19 complainant to pay the costs of the board, the court, and the
20 defendant parties.

21 Sec. 29. NEW SECTION. **68A.827 Board reports.**

22 1. The board shall report to the general assembly after each
23 election cycle.

24 2. The report shall include a detailed summary of all
25 seed money contributions, qualifying contributions, and clean
26 election campaign funding benefits received, and expenditures
27 made, by all participating candidates. The report shall also
28 include a summary and evaluation of the board's activities and
29 recommendations relating to the implementation, administration,
30 and enforcement of this subchapter.

31 Sec. 30. NEW SECTION. **68A.828 Repayments of excess**
32 **expenditures.**

33 1. If a participating candidate spends or obligates to spend
34 more than the clean election campaign funding the candidate
35 receives, and if such is determined not to be an amount that

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1 had or could have been expected to have a significant impact
2 on the outcome of the election, the candidate shall personally
3 repay to the voter-owned Iowa clean elections fund an amount
4 equal to the excess.

5 2. If a participating candidate spends or obligates to spend
6 more than the clean election campaign funding the candidate
7 receives, and if such is determined to be an amount that had or
8 could have been expected to have a significant impact on the
9 outcome of the election, the candidate shall personally repay
10 to the voter-owned Iowa clean elections fund an amount equal to
11 five times the value of the excess.

12 Sec. 31. NEW SECTION. 68A.829 Penalties.

13 1. A candidate shall not knowingly accept more benefits than
14 those to which the candidate is entitled, spend more than the
15 amount of clean election campaign funding received, or misuse
16 such clean election campaign funding benefits or clean election
17 campaign funding.

18 2. If a violation of subsection 1 was intentional and
19 involved an amount that had or could have been expected to
20 have a significant impact on the outcome of the election, the
21 candidate commits an aggravated misdemeanor.

22 3. If it is determined that the violation of subsection
23 1 was intentional and involved an amount that had or could
24 have been expected to have a significant impact on the
25 outcome of the election, and if, in the judgment of the
26 board, the violation is believed to have contributed to the
27 violator winning the election, the board may recommend to
28 the appropriate authority that proceedings be commenced to
29 remove the violator from office or to impeach the violator if
30 applicable.

31 4. A person shall not provide false information to the board
32 or conceal or withhold information from the board. A violation
33 of this subsection is an aggravated misdemeanor.

34 Sec. 32. NEW SECTION. 68A.830 Local provision.

35 Each city council, school board, and county board of

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1 supervisors shall have the authority to adopt and fund a
2 voter-owned Iowa clean elections fund, consistent with this
3 subchapter, for local government elections.

4 Sec. 33. Section 422.7, Code 2013, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 57. Subtract, to the extent not otherwise
7 excluded, up to two hundred dollars of the amount contributed
8 to the voter-owned Iowa clean elections fund pursuant to
9 section 68A.824, subsection 6.

10 Sec. 34. Section 422.12E, subsection 1, Code 2013, is
11 amended to read as follows:

12 1. For tax years beginning on or after January 1, 2004,
13 there shall be allowed no more than four income tax return
14 checkoffs on each income tax return. When the same four income
15 tax return checkoffs have been provided on the income tax
16 return for two consecutive years, the two checkoffs for which
17 the least amount has been contributed, in the aggregate for the
18 first tax year and through March 15 of the second tax year, are
19 repealed. This section does not apply to the income tax return
20 ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601 and
21 68A.610.

22 Sec. 35. NEW SECTION. 422.12I **Income tax checkoff for**
23 **voter-owned Iowa clean elections fund.**

24 A person who files an individual or a joint income tax
25 return with the department of revenue under section 422.13
26 may designate a contribution to the voter-owned Iowa clean
27 elections fund authorized pursuant to section 68A.610.

28 Sec. 36. Section 556.18, subsection 2, Code 2013, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. e. Ten million dollars to be deposited
31 in the voter-owned Iowa clean elections fund established in
32 section 68A.823.

33 Sec. 37. Section 556.18, subsection 3, Code 2013, is amended
34 to read as follows:

35 3. The treasurer of state shall annually credit all moneys

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1 received under section 556.4 to the general fund of the state.
2 Moneys credited to the general fund of the state pursuant to
3 this subsection are subject to the requirements of subsections
4 1 and 2 and section 8.60. However, if the amount collected
5 under subsection 2, paragraph "e", does not equal ten million
6 dollars, the treasurer of state shall annually pay over an
7 amount received under section 556.4 as necessary to bring the
8 amount deposited with the voter-owned Iowa clean elections fund
9 to ten million dollars.

10 Sec. 38. SEVERABILITY. The provisions of this Act are
11 severable as provided in section 4.12.

12 Sec. 39. IMPLEMENTATION OF ACT. Section 25B.2, subsection
13 3, shall not apply to this Act.

14 Sec. 40. EFFECTIVE DATES.

15 1. Except as provided in subsection 2, this Act takes effect
16 November 14, 2016.

17 2. The following provision or provisions of this Act take
18 effect January 1, 2014:

19 a. The section of this Act enacting section 68A.610.

20 b. The section of this Act enacting section 422.12I.

21 c. The section of this Act amending section 422.7.

22 d. The section of this Act amending section 556.18.

23 EXPLANATION

24 This bill amends Code chapter 68A, relating to campaign
25 finance law, in two distinct ways: the bill creates a
26 voluntary mechanism for publicly financed elections and
27 establishes contribution limits for candidates who do not
28 participate in the public financing process.

29 The bill enacts a process for public financing for statewide
30 and legislative elections, and enacts new Code section 68A.801,
31 providing definitions for key terms related to this process.

32 New Code section 68A.823 establishes a separate,
33 nonreverting fund in the state treasury to be known as the
34 voter-owned Iowa clean elections fund (VOICE), and new Code
35 section 68A.824 provides sources of revenue for the fund.

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1 New Code sections 68A.802 and 68A.803 specify the
2 eligibility procedures for both party and independent
3 candidates to become participating candidates, and specify
4 the number of and details for collection of qualifying
5 contributions.

6 New Code section 68A.805 provides that any candidate who
7 accepts benefits during the primary election campaign period
8 must continue to comply with the requirements of the public
9 financing program, even if the candidate stops accepting
10 benefits of the program at any point during the primary or
11 general election campaign periods.

12 New Code section 68A.806 prohibits a participating candidate
13 from accepting private funding during the primary and general
14 election campaign periods other than certain permitted party
15 funding. Contributions in the name of another person are
16 prohibited and subject to payment to the board as are any
17 applicable penalties. New Code section 68A.806 directs the
18 board to issue each participating candidate a clean election
19 campaign debit card, which entitles the candidate to draw clean
20 election campaign funds in amounts specified in the bill.

21 New Code section 68A.807 establishes contribution limits for
22 those candidates who choose not to participate in the public
23 financing process.

24 New Code section 68A.808 limits political party
25 contributions and expenditures on behalf of participating
26 candidates.

27 New Code section 68A.809 limits the use of personal funds for
28 seed money or as qualifying contributions.

29 New Code section 68A.810 details the collection of private
30 contributions for use as seed money, limited by new Code
31 section 68A.809 to \$100 per individual contributor, and also
32 limited in the aggregate in differing amounts for candidates
33 for governor and lieutenant governor, for other statewide
34 candidates, for Iowa senate candidates, and for Iowa house
35 of representatives candidates. Seed money expenditures are

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1 limited to the clean election campaign qualifying period
2 and seed money contributions and expenditures must be fully
3 disclosed at the end of the public financing qualifying period.

4 New Code section 68A.812 provides for a certification
5 process after a candidate applies for public financing campaign
6 funding benefits and requires repayment of funds if eligibility
7 is revoked. The bill provides for audit and judicial review of
8 the certification decision made by the board.

9 New Code section 68A.813 provides certain benefits and
10 obligations for participating candidates, including specified
11 amounts of public funding pursuant to new Code section
12 68A.815, mandatory participation in debates pursuant to new
13 Code sections 68A.811 and 68A.822, and, pursuant to new Code
14 section 68A.817, additional limited public funding to respond
15 to certain excess expenditures by nonparticipating candidates,
16 independent expenditures, and electioneering communications
17 expenditures.

18 New Code section 68A.814 provides for a schedule of
19 payments to participating candidates, and new Code section
20 68A.815 specifies differing total amounts for primary and
21 general elections for candidates for governor and lieutenant
22 governor, for other statewide candidates, for Iowa senate
23 candidates, and for Iowa house of representatives candidates.
24 Alternate amounts are provided for uncontested races. Clean
25 election campaign funding payments must be used only for
26 campaign-related expenses, and cannot be used for payments
27 in violation of law or to repay personal or business loans,
28 expenditures, or debts, pursuant to new Code section 68A.816.

29 New Code section 68A.817 provides that nonparticipating
30 candidates must disclose within 48 hours every expenditure
31 in excess of the public financing funding allocated to the
32 candidate's participating opponent, that in the aggregate is
33 more than \$1,000. Certain other reporting requirements apply
34 during the last 20 days of a campaign.

35 All candidates must include a statement with all

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1 advertisements indicating that the candidate has approved of
2 the contents of the advertisement pursuant to new Code section
3 68A.818.

4 Persons making certain independent expenditures must
5 report such expenditures to the board, along with an affidavit
6 affirming that the expenditure has not been coordinated with
7 the candidate or party, pursuant to new Code section 68A.819.
8 Alleged violations of the coordination affirmation are subject
9 to an expedited hearing procedure.

10 Persons making certain electioneering communications must
11 also report to the board pursuant to new Code section 68A.820.

12 New Code section 68A.821 provides that the board shall
13 administer a voter information program, including establishment
14 of an advisory council, to provide voters with election-related
15 information, including a voter guide with candidate
16 biographical material, policy statements, voting records, and
17 whether the candidate funds the campaign with public or private
18 money.

19 New Code section 68A.825 provides the board with certain
20 specific enforcement powers and duties in relation to the
21 new subchapter, and new Code section 68A.827 provides for an
22 election cycle report by the board to the general assembly on
23 the public funding program.

24 New Code section 68A.826 creates a civil right of action for
25 citizens alleging that a candidate has violated the law.

26 Violations of the public funding program are subject
27 to aggravated misdemeanor penalties, pursuant to new Code
28 section 68A.829. An aggravated misdemeanor is punishable
29 by confinement for not more than two years and a fine of at
30 least \$625 but not more than \$6,250. New Code section 68A.828
31 provides for repayment of certain excess expenditures by the
32 candidate.

33 New Code sections 68A.610 and 422.12I create an income tax
34 checkoff for the voter-owned Iowa clean elections fund. This
35 checkoff allows a person to direct that \$5 of that person's

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1 state income tax liability be paid over to the Iowa voter-owned
2 clean elections fund.

3 Code section 422.7, new subsection 57, is enacted to
4 provide up to a \$200 exemption from income for purposes of the
5 individual income tax for contributions to the Iowa voter-owned
6 clean elections fund.

7 Code section 556.18 is amended to provide that \$10 million
8 shall be annually transferred from the proceeds from the sale
9 by the state of lost or unclaimed property to the voter-owned
10 Iowa clean elections fund.

11 The sections of the bill enacting the income tax checkoff,
12 the exemption from the individual income tax, and the transfer
13 in Code section 556.18 take effect January 1, 2014. The
14 remainder of the bill takes effect November 14, 2016, which
15 is the day after the 2014 general election day, to allow the
16 new system to commence with a new campaign cycle. New Code
17 section 68A.804 provides guidelines for disposition of money
18 collected by candidates prior to the effective date of the
19 public financing program.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill makes inapplicable Code section 25B.2,
22 subsection 3, which would relieve a political subdivision from
23 complying with a state mandate if funding for the cost of
24 the state mandate is not provided or specified. Therefore,
25 political subdivisions are required to comply with any state
26 mandate included in the bill.



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Senate Study Bill 1073 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

A BILL FOR

1 An Act relating to the transfer of real estate and the filing
2 of a mortgage release certificate, providing for a fee, and
3 making remedies applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 16.92, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:
3 **16.92 Real estate transfer — mortgage release certificate.**
4 1. *Definitions.* As used in this section, unless the context
5 otherwise requires:
6 a. *"Applicant"* means a person licensed to regularly lend
7 moneys to be secured by a mortgage on real property in this
8 state, a licensed real estate broker, a licensed attorney, a
9 participating abstractor, or a licensed closing agent.
10 b. *"Closing agent"* means a closing agent subject to the
11 licensing requirements of chapter 535B.
12 c. *"Division"* means the title guaranty division in the Iowa
13 finance authority, the director of the division, or a designee
14 of the director.
15 d. *"Division board"* means the board of directors of the
16 title guaranty division of the Iowa finance authority.
17 e. *"Mortgage"* means a mortgage or mortgage lien on an
18 interest in real property in this state given to secure a loan
19 in an original principal amount equal to or less than the
20 maximum principal amount as determined by the division board
21 and adopted by the Iowa finance authority pursuant to chapter
22 17A.
23 f. *"Mortgage servicer"* means the mortgagee or a person
24 other than the mortgagee to whom a mortgagor or the mortgagor's
25 successor in interest is instructed by the mortgagee to
26 send payments on a loan secured by the mortgage. A person
27 transmitting a payoff statement for a mortgage is a mortgage
28 servicer for purposes of such mortgage and this chapter.
29 g. *"Mortgagee"* means the grantee of a mortgage. If a
30 mortgage has been assigned of record, the mortgagee is the last
31 person to whom the mortgage is assigned of record.
32 h. *"Mortgagor"* means the grantor of a mortgage.
33 i. *"Participating abstractor"* means an abstractor
34 participating in the title guaranty program.
35 j. *"Payoff statement"* means a written statement furnished by

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1 the mortgage servicer which sets forth all of the following:

2 (1) The unpaid balance of the loan secured by a mortgage,
3 including principal, interest, and any other charges properly
4 due under or secured by the mortgage, or the amount required to
5 be paid in order to release or partially release the mortgage.

6 (2) The address where payment is to be sent or other
7 specific instructions for making a payment.

8 (3) The legal description, street address, or other
9 description sufficient to identify the property that will be
10 released from the mortgage.

11 2. *Application.* The division may execute and record a
12 certificate of release on behalf of the division in the real
13 property records of each county in which a mortgage is recorded
14 as provided in this section if all of the following are
15 satisfied:

16 a. The applicant submits all of the following in writing to
17 the division:

18 (1) A payoff statement or other documentation of the amount
19 due, acceptable to the division, as evidence that the mortgage
20 does not continue to secure an unpaid obligation due the
21 mortgagee or an unfunded commitment by the mortgagor to the
22 mortgagee.

23 (2) Evidence that payment was made, including, if
24 available, a statement as to the date the payment was received
25 by the mortgagee or mortgage servicer, with supporting
26 documentation, as evidenced by one or more of the following:

27 (a) A bank check, certified check, escrow account check,
28 real estate broker trust account check, attorney trust account
29 check, or wire receipt, that was negotiated by the mortgagee or
30 mortgage servicer.

31 (b) Other documentary evidence, acceptable to the division,
32 of payment to the mortgagee or mortgage servicer.

33 b. The applicant confirms in writing to the division all of
34 the following:

35 (1) More than thirty days have elapsed since the date the

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1 payment was sent.

2 (2) An effective satisfaction or release of the mortgage
3 has not been executed and recorded within thirty days after the
4 date of payment.

5 3. *Notice.*

6 a. Prior to the execution and filing of a certificate of
7 release pursuant to this section, the division shall notify the
8 mortgage servicer in writing of all of the following:

9 (1) The mortgage has not been released.

10 (2) The division's intention to execute and record
11 a certificate of release pursuant to this section after
12 expiration of the thirty-day period following the sending of
13 the notice.

14 b. The notice shall include instructions to notify the
15 division in writing within thirty days of the effective date of
16 the notice of any reason why the certificate of release should
17 not be executed and recorded.

18 c. For purposes of this section, notice may be served by any
19 of the following methods:

20 (1) By certified mail or any commercial delivery service,
21 properly addressed with postage or cost of delivery provided
22 for.

23 (2) By facsimile transmission or electronic mail to an
24 address provided by the mortgage servicer, but only if the
25 mortgage servicer agrees to receive notice in that manner.

26 (3) By publication in a newspaper of general circulation
27 published in each county where the mortgage is recorded once
28 each week for three consecutive weeks after receiving an
29 affidavit by the applicant that service in accordance with the
30 provisions of subparagraph (1) or (2) cannot be made on the
31 mortgage servicer.

32 (4) By otherwise causing the notice to be received by the
33 mortgage servicer within the time it would have been received
34 if notice had been served by certified mail or commercial
35 delivery service.



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1 *d.* For purposes of this section, notice is effective under
2 any of the following circumstances:
3 (1) The day after the notice is deposited with a commercial
4 delivery service for overnight delivery.
5 (2) Three days after the notice is deposited with the United
6 States postal service, or with a commercial delivery service
7 for delivery other than by overnight delivery.
8 (3) The day the notice is transmitted, if served pursuant to
9 paragraph "c", subparagraph (2).
10 (4) On the last day of publication, if published pursuant to
11 paragraph "c", subparagraph (3).
12 (5) The day the notice is received, if served by a method
13 other than as provided in paragraph "c", subparagraph (1), (2),
14 or (3).
15 *e.* If, prior to executing and recording the certificate of
16 release, the division receives a written notification setting
17 forth a reason that is satisfactory to the division as to why
18 the certificate of release should not be executed, the division
19 shall not execute and record the certificate of release.
20 4. *Contents.* A certificate of release executed under this
21 section must contain substantially the information set forth
22 as follows:
23 *a.* The name of the mortgagor.
24 *b.* The name of the original mortgagee.
25 *c.* The date of the mortgage.
26 *d.* The date of recording, including the volume and page or
27 other applicable recording information in the real property
28 records of each county where the mortgage is recorded.
29 *e.* A statement that the release was prepared in accordance
30 with this section.
31 5. *Execution.* A certificate of release under this section
32 shall be executed and acknowledged in the same manner as
33 required by law for the execution of a deed.
34 6. *Recording.* The certificate of release or partial
35 release shall be recorded in each county where the mortgage is

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1 recorded.

2 7. *Effect.*

3 a. For purposes of a release or partial release of a
4 mortgage, a certificate of release executed under this section
5 that contains the information and statements required under
6 subsection 4 is prima facie evidence of the facts contained in
7 such release or partial release, is entitled to be recorded
8 with the county recorder where the mortgage is recorded,
9 operates as a release or partial release of the mortgage
10 described in the certificate of release, and may be relied upon
11 by any person who owns or subsequently acquires an interest in
12 the property released from the mortgage. The county recorder
13 shall rely upon the certificate of release to release the
14 mortgage.

15 b. Recording of a wrongful or erroneous certificate of
16 release by the division shall not relieve the mortgagor, or the
17 mortgagor's successors or assigns on the debt, from personal
18 liability on the loan or on other obligations secured by the
19 mortgage.

20 c. In addition to any other remedy provided by law, if the
21 division through an act of negligence wrongfully or erroneously
22 records a certificate of release under this section, the
23 division is liable to the mortgagee and mortgage servicer
24 for actual damages sustained due to the recording of the
25 certificate of release.

26 d. Upon payment of a claim relating to the recording of
27 a certificate of release, the division is subrogated to the
28 rights of the claimant against all persons relating to the
29 claim.

30 8. *Fee.* The division may charge a fee for services under
31 this section.

32 EXPLANATION

33 This bill relates to the transfer of real estate and the
34 filing of a mortgage release certificate, providing for a fee,
35 and making remedies applicable.

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1 Code section 16.92 allows the title guaranty division
2 (division) of the Iowa finance authority to execute and record
3 a mortgage release certificate in each county (county recorder)
4 in which a mortgage is recorded if such mortgage has been
5 paid off but not released of record or has been incorrectly
6 released.

7 The bill reorganizes, consolidates, and amends certain
8 provisions in Code section 16.92 relating to the application
9 process for a certificate of release, notice requirements
10 the division must follow in notifying a mortgage servicer of
11 the division's intention to execute and record a certificate
12 of release upon the division's receipt of a mortgage release
13 application, and execution requirements relating to the
14 certificate of release. The bill specifies that a request for
15 a mortgage release certificate may be made by an applicant,
16 defined in the bill as a person licensed to regularly lend
17 moneys to be secured by a mortgage on real property in this
18 state, a licensed real estate broker, a licensed attorney, a
19 participating abstractor, or a licensed closing agent. The
20 applicant is required to submit certain evidence acceptable to
21 the division and the applicant must confirm in writing that
22 the mortgage has been paid off and that no release of the
23 mortgage has occurred. The bill provides that the certificate
24 of release executed by the division is only required to contain
25 certain basic information about the mortgage and the execution
26 of the certificate and also authorizes the division to charge a
27 fee for services relating to the execution of the certificate
28 of release.

29 Under Code section 16.92, for purposes of a release or
30 partial release of a mortgage, a properly executed certificate
31 of release is prima facie evidence of the facts contained in
32 such release or partial release, is entitled to be recorded
33 with the county recorder where the mortgage is recorded,
34 operates as a release or partial release of the mortgage
35 described in the certificate of release, and may be relied upon



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1 by any person who owns or subsequently acquires an interest in
2 the property released from the mortgage. The county recorder
3 is required to rely upon the certificate of release to release
4 the mortgage. In addition to any other remedy provided by
5 law, if the division through an act of negligence wrongfully
6 or erroneously records a certificate of release, the division
7 is liable to the mortgagee and mortgage servicer for actual
8 damages sustained due to the recording of the certificate of
9 release.



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Senate Study Bill 1074 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
ADMINISTRATIVE SERVICES
BILL)

A BILL FOR

1 An Act concerning setoff procedures for collection of debts
2 owed a state agency or political subdivision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8A.504, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. "Collection entity" means the department of
4 administrative services and any other state agency that
5 maintains a separate accounting system and elects to establish
6 a debt collection setoff procedure for collection of debts owed
7 to ~~the state or its agencies~~ an agency.

8 Sec. 2. Section 8A.504, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. 0b. "Debtor" means a person who is liable
11 on a claim to an agency.

12 Sec. 3. Section 8A.504, subsection 1, paragraph b, Code
13 2013, is amended to read as follows:

14 b. "Person" does not include ~~a state~~ an agency.

15 Sec. 4. Section 8A.504, subsection 1, paragraph d, Code
16 2013, is amended to read as follows:

17 d. ~~"State agency"~~ "Agency" means a board, commission,
18 department, including the department of administrative
19 services, or other administrative office or unit of the
20 state of Iowa or any other state entity reported in the
21 Iowa comprehensive annual financial report, or a political
22 subdivision of the state, or an office or unit of a political
23 subdivision. ~~"State agency"~~ "Agency" does include the clerk
24 of the district court as it relates to the collection of a
25 qualifying debt. ~~"State agency"~~ "Agency" does not include the
26 general assembly or the governor.

27 Sec. 5. Section 8A.504, subsections 2, 3, and 5, Code 2013,
28 are amended to read as follows:

29 2. *Setoff procedure.* The collection entity shall establish
30 and maintain a procedure to set off against any claim owed to a
31 person debtor by ~~a state~~ an agency any liability of that ~~person~~
32 debtor owed to ~~a state~~ an agency, a support debt being enforced
33 by the child support recovery unit pursuant to chapter 252B,
34 or such other qualifying debt. The procedure shall only apply
35 when at the discretion of the director it is feasible. The

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1 procedure shall meet the following conditions:

2 ~~a.~~ Before setoff, a ~~person's~~ debtor's liability to ~~a state~~
3 ~~an~~ agency and the ~~person's~~ debtor's claim on ~~a state~~ an agency
4 shall be in the form of a liquidated sum due, owing, and
5 payable.

6 ~~b.~~ Before setoff, the ~~state~~ agency shall obtain and forward
7 to the collection entity the full name and social security
8 number of the ~~person~~ debtor liable to ~~it~~ the agency or to whom
9 a claim is owing who is a natural person. If the ~~person~~ debtor
10 is not a natural person, before setoff, the ~~state~~ agency shall
11 forward to the collection entity the information concerning the
12 ~~person~~ debtor as the collection entity shall, by rule, require.
13 The collection entity shall cooperate with other ~~state~~ agencies
14 in the exchange of information relevant to the identification
15 of ~~persons~~ debtors liable to or claimants of ~~state~~ agencies.
16 However, the collection entity shall provide only relevant
17 information required by ~~a state~~ an agency. The information
18 shall be held in confidence and used for the purpose of setoff
19 only. Section 422.72, subsection 1, does not apply to this
20 paragraph.

21 ~~c.~~ Before setoff, ~~a state~~ an agency shall, at least
22 annually, submit to the collection entity the information
23 required by paragraph "~~b~~" along with the amount of each ~~person's~~
24 debtor's liability to and the amount of each claim on the ~~state~~
25 agency. The collection entity may, by rule, require more
26 frequent submissions.

27 ~~d.~~ Before setoff, the amount of a ~~person's~~ debtor's claim
28 on ~~a state~~ an agency and the amount of a ~~person's~~ debtor's
29 liability to ~~a state~~ an agency shall constitute a minimum
30 amount set by rule of the collection entity.

31 ~~e.~~ Upon submission of an allegation of liability by a
32 ~~state~~ an agency, the collection entity shall notify the ~~state~~
33 agency whether the ~~person~~ debtor allegedly liable is entitled
34 to payment from ~~a state~~ an agency, and, if so entitled, shall
35 notify the ~~state~~ agency of the amount of the ~~person's~~ debtor's

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1 entitlement and of the ~~person's debtor's~~ last address known to
2 the collection entity. Section 422.72, subsection 1, does not
3 apply to this paragraph.

4 *f.* (1) Upon notice of entitlement to a payment, the ~~state~~
5 agency shall send written notification to that ~~person debtor~~
6 of the ~~state~~ agency's assertion of its rights to all or a
7 portion of the payment and of the ~~state~~ agency's entitlement
8 to recover the liability through the setoff procedure, the
9 basis of the assertion, the opportunity to request that a
10 jointly or commonly owned right to payment be divided among
11 owners, and the ~~person's debtor's~~ opportunity to give written
12 notice of intent to contest the amount of the allegation. The
13 ~~state~~ agency shall send a copy of the notice to the collection
14 entity. ~~A state~~ An agency subject to chapter 17A shall give
15 notice, conduct hearings, and allow appeals in conformity with
16 chapter 17A.

17 (2) However, upon submission of an allegation of the
18 liability of a ~~person debtor~~ which is owing and payable to the
19 clerk of the district court and upon the determination by the
20 collection entity that the ~~person debtor~~ allegedly liable is
21 entitled to payment from ~~a state~~ an agency, the collection
22 entity shall send written notification to the ~~person debtor~~
23 which states the assertion by the clerk of the district court
24 of rights to all or a portion of the payment, the clerk's
25 entitlement to recover the liability through the setoff
26 procedure, the basis of the assertions, the ~~person's debtor's~~
27 opportunity to request within fifteen days of the mailing of
28 the notice that the collection entity divide a jointly or
29 commonly owned right to payment between owners, the opportunity
30 to contest the liability to the clerk by written application
31 to the clerk within fifteen days of the mailing of the notice,
32 and the ~~person's debtor's~~ opportunity to contest the collection
33 entity's setoff procedure.

34 *g.* Upon the timely request of a ~~person debtor~~ liable to
35 ~~a state~~ an agency or of the spouse of that ~~person debtor~~ and

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1 upon receipt of the full name and social security number of
2 the ~~person's~~ debtor's spouse, ~~a state~~ an agency shall notify
3 the collection entity of the request to divide a jointly or
4 commonly owned right to payment. Any jointly or commonly owned
5 right to payment is rebuttably presumed to be owned in equal
6 portions by its joint or common owners.

7 *h.* The collection entity ~~shall~~, after the ~~state~~ agency has
8 sent notice to the ~~person~~ debtor liable or, if the liability
9 is owing and payable to the clerk of the district court, after
10 the collection entity has sent notice to the ~~person~~ debtor
11 liable, shall set off the amount owed to the agency against any
12 amount which ~~a state~~ an agency owes that ~~person~~ debtor. The
13 collection entity shall refund any balance of the amount to
14 the ~~person~~ debtor. The collection entity shall periodically
15 transfer amounts set off to the ~~state~~ agencies entitled to
16 them. If a ~~person~~ debtor liable to ~~a state~~ an agency gives
17 written notice of intent to contest an allegation, ~~a state~~ an
18 agency shall hold a refund or rebate until final disposition
19 of the allegation. Upon completion of the setoff, ~~a state~~ an
20 agency shall notify in writing the ~~person~~ debtor who was liable
21 or, if the liability is owing and payable to the clerk of the
22 district court, shall comply with the procedures as provided
23 in paragraph "*j*".

24 *i.* The department of revenue's existing right to credit
25 against tax due or to become due under section 422.73 is not to
26 be impaired by a right granted to or a duty imposed upon the
27 collection entity or other ~~state~~ agency by this section. This
28 section is not intended to impose upon the collection entity or
29 the department of revenue any additional requirement of notice,
30 hearing, or appeal concerning the right to credit against tax
31 due under section 422.73.

32 *j.* If the alleged liability is owing and payable to the
33 clerk of the district court and setoff as provided in this
34 section is sought, all of the following shall apply:

35 (1) The judicial branch shall prescribe procedures to

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1 permit a ~~person debtor~~ to contest the amount of the ~~person's~~
2 ~~debtor's~~ liability to the clerk of the district court.

3 (2) The collection entity shall, except for the procedures
4 described in subparagraph (1), prescribe any other applicable
5 procedures concerning setoff as provided in this subsection.

6 (3) Upon completion of the setoff, the collection entity
7 shall file, at least monthly, with the clerk of the district
8 court a notice of satisfaction of each obligation to the
9 full extent of all moneys collected in satisfaction of the
10 obligation. The clerk shall record the notice and enter a
11 satisfaction for the amounts collected and a separate written
12 notice is not required.

13 k. If the alleged liability is owing and payable to a
14 ~~community college~~ political subdivision and setoff pursuant to
15 this section is sought, both of the following shall apply:

16 (1) In addition to satisfying other applicable setoff
17 procedures established under this subsection, the ~~community~~
18 ~~college~~ political subdivision shall ~~prescribe~~ establish and
19 implement procedures to permit a ~~person debtor~~ to contest the
20 validity or the amount of the person's debtor's liability to
21 the ~~community college~~ political subdivision. Such procedures
22 shall be consistent with and ensure the protection of the
23 ~~person's debtor's~~ right of due process under Iowa law.

24 (2) The collection entity shall, except for the procedures
25 prescribed pursuant to subparagraph (1), prescribe any other
26 applicable procedures concerning setoff as provided in this
27 subsection.

28 3. In the case of multiple claims to payments filed under
29 this section, priority shall be given to claims filed by the
30 child support recovery unit or the foster care recovery unit,
31 next priority shall be given to claims filed by the clerk of
32 the district court, next priority shall be given to claims
33 filed by the college student aid commission, next priority
34 shall be given to claims filed by the investigations division
35 of the department of inspections and appeals, and last priority

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1 shall be given to claims filed by other ~~state~~ agencies. In the
2 case of multiple claims in which the priority is not otherwise
3 provided by this subsection, priority shall be determined in
4 accordance with rules to be established by the director.

5 5. Under substantive rules established by the director, the
6 department shall seek reimbursement from other ~~state~~ agencies
7 to recover its costs for setting off liabilities.

8 Sec. 6. Section 99D.2, subsection 3, Code 2013, is amended
9 to read as follows:

10 3. "*Claimant agency*" means ~~a state~~ an agency as defined in
11 section 8A.504, subsection 1, or the state court administrator
12 as defined in section 602.1101.

13 Sec. 7. Section 99F.1, subsection 4, Code 2013, is amended
14 to read as follows:

15 4. "*Claimant agency*" means ~~a state~~ an agency as defined in
16 section 8A.504, subsection 1, or the state court administrator
17 as defined in section 602.1101.

18 Sec. 8. Section 234.8, Code 2013, is amended to read as
19 follows:

20 **234.8 Fees for child welfare services.**

21 The department of human services may charge a fee for
22 child welfare services to a person liable for the cost of the
23 services. The fee shall not exceed the reasonable cost of the
24 services. The fee shall be based upon the person's ability
25 to pay and consideration of the fee's impact upon the liable
26 person's family and the goals identified in the case permanency
27 plan. The department may assess the liable person for the
28 fee and the means of recovery shall include a setoff against
29 an amount owed by ~~a state~~ an agency to the person assessed
30 pursuant to section 8A.504. In addition the department may
31 establish an administrative process to recover the assessment
32 through automatic income withholding. The department shall
33 adopt rules pursuant to chapter 17A to implement the provisions
34 of this section. This section does not apply to court-ordered
35 services provided to juveniles which are a charge upon the

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1 state pursuant to section 232.141 and services for which the
2 department has established a support obligation pursuant to
3 section 234.39.

4 EXPLANATION

5 This bill concerns setoff procedures established in Code
6 section 8A.504 and used to collect debts owed the state or a
7 political subdivision of the state.

8 The bill redesignates the term "agency" rather than as the
9 defined term "state agency" while keeping the definition the
10 same. The bill also defines "debtor" as a person who is liable
11 on a claim to an agency. Corresponding changes to terms in
12 Code section 8A.504 are made to reflect these changes.

13 Code section 8A.504(2)(k), relating to additional setoff
14 requirements for debts owing and payable to a community
15 college, is amended. The bill provides that the additional
16 requirements apply to political subdivisions, that political
17 subdivisions shall establish and implement these enhanced
18 procedures, and that the procedures shall permit a debtor to
19 contest the validity or the amount of the debtor's claimed
20 liability.